
Appendix B

OIL AND GAS LEASE STIPULATIONS (NEW MANAGEMENT)

Introduction

This report discusses the fluid minerals leasing decisions, stipulations, exceptions, waivers, and modifications proposed as part of the effort to develop the Draft Resource Management Plan/Draft Environmental Impact Statement (DRMP/DEIS) for the Kremmling Field Office (KFO). This report covers the new oil and gas lease stipulations applicable to the “action” management alternatives (as described under Alternative B, Alternative C, and Alternative D) related to public lands managed by the Bureau of Land Management (BLM) within the Planning Area.

Key definitions associated with oil and gas leasing include:

- **Competitive leasing** -- The BLM (in this case) issues leases on Federal onshore lands where there are known mineral deposits, or where inference of probable mineralization may be derived from knowledge of the geology of the land. The lands are offered for competitive lease bidding following publication of the offer of the lands for lease. A lease is issued to the highest bidder at a sale by public auction.
- **Fluid minerals** -- Fluid minerals include oil, gas, and geothermal resources.
- **Gas** -- Gas means any fluid, either combustible or non-combustible, that has neither independent shape nor volume and tends to expand indefinitely if unconfined. Gas is any substance that exists in a gaseous stage at the surface under normal conditions. Gas includes methane, carbon dioxide, other gaseous hydrocarbons, and nitrogen.
- **Gas well** -- A well completed for the production of natural gas from one or more gas zones or reservoirs.
- **Geothermal resource** -- Hot water, steam, by-products, and associated energy extracted from geothermal reservoirs in the Earth’s crust.
- **Lease** -- A legal document executed between the BLM, as lessor (in this case), and a company or individual, as lessee, that conveys the right to exploit the premises for minerals or other products for a specified period of time over a given area.
- **Lease sale** -- A process conducted by the BLM (in this case) for Federal onshore lands in which leases of certain mineral tracts are offered for lease by competitive sealed bidding. During a lease sale, bids are received, announced, and recorded.
- **Lease term** -- The duration of the contract specified in the lease.
- **Lessee** -- The person or company authorized by the lease terms to produce specific minerals from the leased land.

- **Lessor** -- The owner or administrator (the BLM, in this case) of the leased land or mineral rights.
- **Locatable minerals** -- Valuable mineral deposits that are not excluded by the Mining Law of 1872, by the Mineral Leasing Act of 1920, by the Mineral Leasing Act for Acquired Lands of 1947, or by the Mineral Materials Act of 1947 (see Authorities and Guidelines below). Locatable minerals include base metals, precious metals, light metals, ferrous metals, precious and semi-precious stones, and a wide array of industrial minerals.
- **Mineral** -- Naturally occurring organic or inorganic substances with characteristics and uses that bring them within the purview of mineral laws. Minerals may be obtained under applicable laws from public lands by purchase, lease, or pre-emptive entry.
- **Natural gas** -- A compressible and expansible mixture of hydrocarbons having a low specific gravity and occurring naturally in a gaseous form. Natural gas ordinarily consists principally of methane and heavier entrained hydrocarbons, and may contain appreciable quantities of nitrogen, helium, carbon dioxide, and contaminants (such as hydrogen sulfide and water vapor). Some of the gases may be found either in a gaseous state or as liquids under suitable conditions of temperature and pressure.
- **Non-competitive leasing** -- Leases issued to qualified applicants for land not specifically known or presumed to contain mineral or petroleum deposits in quantity.
- **Oil well** -- A well completed for the production of crude oil from one or more zones or reservoirs.
- **Operating agreement** -- A written document between parties holding operating rights, with one of the parties normally designated as the Operator. The agreement contains detailed provisions for the drilling of a well, the sharing of expenses, and acceptable accounting methods.
- **Operator** -- The individual, partnership, firm, or corporation having control or management of operations on a leased area, or on a portion thereof. The Operator may be a lessee, designated agent of the lessee, a holder of rights under an approved operation agreement, or an agent of an operating rights holder.
- **Petroleum** -- A naturally occurring complex liquid hydrocarbon that may contain varying degrees of impurities. Petroleum is obtained from the rocks below the surface of the Earth by drilling down into a reservoir rock and piping the minerals to the surface.
- **Producible lease** -- A lease where 1 well, or where several wells, have discovered hydrocarbons in paying quantities, but for which there is no production during the reporting period.
- **Producing lease** -- A lease that is producing oil, gas, or other minerals in quantities sufficient to generate royalties.
- **Public lands** -- Any land and/or interest in land owned by the United States and administered by the Secretary of the Interior through the BLM (in this case), without regard to the manner through which the BLM acquired ownership, except: 1) lands located on the Outer Continental

Shelf, and 2) lands held for the benefit of Indians, Aleuts, and Eskimos. The BLM considers acquired lands to be a category of public lands.

Authorities and Guidelines

In addition to all applicable laws, rules, regulations, policies, standards, and guidelines, the following specifically guide the evaluation process for fluid minerals leasing decisions, stipulations, exceptions, waivers, and modifications:

- **The General Mining Law of 1872, as amended** -- This Act [30 United States Code (USC) 29 and 43 Code of Federal Regulations (CFR) 3860] is the principal Federal law governing locatable minerals in the United States. The law provides U.S. citizens with an opportunity to explore, discover, and purchase certain valuable metallic and non-metallic minerals on Federal lands that are not closed to mineral entry. The law establishes standards and guidelines covering the claiming of mineral rights, and includes provisions for local rules to be developed, consistent with Federal laws. This Act provides the successful mining claimant the right to patent (acquire absolute title to the land) mining claims or sites if they meet the statutory requirements.
- **The Mineral Leasing Act of 1920, as amended** -- This Act (30 USC 181 et seq.) gives the BLM responsibility for oil and gas leasing on BLM, U.S. Forest Service (USFS), and other Federal lands, as well as on State and private surface lands where mineral rights have been retained by the Federal Government. This Act authorizes, and governs, the leasing of public lands for the development of deposits of coal, oil, gas (and other hydrocarbons), sulfur, phosphate, potassium, and sodium. This Act establishes qualifications for mineral lessees, sets out maximum limits on the number of acres of a particular mineral that can be held by a lessee, and prohibits alien ownership of leases (except through stock ownership in a corporation). Rental and royalty terms are specified for each mineral; general conditions are established for pipeline right-of-way (ROW), lease diligence, royalty disposition, and holding restrictions. The Act requires sharing royalty and other lease revenues with the States. The Secretary of the Interior is authorized to promulgate rules and regulations to implement and enforce the Act.
- **The Mineral Leasing Act for Acquired Lands of 1947, as amended** -- Mineral leases on acquired lands cannot be issued without the concurrence of the acquiring agency. This Act (30 USC 351-359) requires disbursement of mineral receipts from acquired lands in the manner prescribed by legislation governing the type of land in question, including acquired national grasslands and acquired National Forest System lands.
- **The Federal Oil and Gas Royalty Management Act (FOGRMA) of 1982** -- This Act [Public Law (PL) 97-451; 30 USC 1701 et seq.] ensures that all oil and gas activities on public lands, as well as on the Outer Continental Shelf, are properly accounted for under the direction of the Secretary of the Interior. The Act requires oil and gas operators on Federal lands to construct and operate wells in such a manner as to protect the environment and to conserve Federal resources. It also requires the U.S. Department of the Interior (DOI) to establish a comprehensive system, including inspections, for accurately determining oil and gas royalties. The FOGRMA requires the Secretary of the Interior to “audit and reconcile, to the extent practicable, all current and past lease accounts for leases of oil or gas and take appropriate actions to make additional collections or refunds as warranted.” (Section 1711(c)(1)). The Secretary, in turn, has assigned these duties to the Minerals Management Service (MMS).

- **The Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA) of 1987** -- This Act (PL 100-203, 101 Stat. 1330-256) amends the Mineral Leasing Act of 1920. It requires each BLM State office to conduct oil and gas lease sales on at least a quarterly basis where there is interest to do so. The Act also requires that all public lands that are available for oil and gas leasing be offered first by competitive leasing. Non-competitive oil and gas leases may be issued only after the lands have been offered competitively at an oral auction and have not received a bid.
- **The Federal Oil and Gas Royalty Simplification and Fairness Act (FOGRS&FA) of 1996** -- This Act (PL 104-185, 110 Stat. 1717) amends the FOGDRA. It revises and expands the guidelines under which the authorities of the Secretary of the Interior, with regard to the collection of oil and gas receipts and related activities, may be delegated to a State. The Act prescribes procedural guidelines for Secretarial and delegated States' actions and limitation periods, including royalty adjustments and refunds. The Act renders inapplicable, except to American Indian leases: 1) the current statute of limitations governing the recovery of penalties, and 2) the Secretary's authority to enter into cooperative agreements with any State (or Native American tribe) with respect to oil or gas royalty activities.
- **The Energy Policy Act of 2005** -- This Act (PL 109-58, 119 Stat. 624) sets forth an energy research and development program covering energy efficiency; renewable energy; oil and gas; coal; American Indian energy; nuclear matters and security; vehicles and motor fuels, including ethanol; hydrogen; electricity; energy tax incentives; hydropower and geothermal energy; and climate change technology.
- **The Federal Land Policy and Management Act (FLPMA) of 1976, as amended** -- This Act establishes the land management authority of the BLM and provides guidance for how public lands are to be managed by the BLM. The BLM manages public lands on the basis of multiple use and sustained yield (Section 202(c)(1)). The FLPMA requires the development, maintenance, and revision of Resource Management Plans (RMPs) for public lands. It requires that the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values be protected. Section 302(b) (43 USC 1732(b) and 603(c)) concern authorizing and permitting of mineral exploration, mining, and reclamation actions on public lands administered by the BLM. With regard to oil and gas leasing, the FLPMA requires that RMPs address: 1) the identification of areas available for oil and gas development; and 2) related management directions (including stipulations, exceptions, waivers, and modifications).
- **The National Environmental Policy Act (NEPA) of 1969** -- This Act (PL 91-190, 42 USC Section 4321-4347) establishes national environmental policy, including a multidisciplinary approach to considering environmental amenities in decision-making. The law also established the President's Council on Environmental Quality (CEQ). The CEQ prepares the regulations implementing the law that apply to all agencies, including the BLM. (These regulations are found at 40 CFR Parts 1500 to 1508.) The NEPA requires Federal agencies to prepare an Environmental Impact Statement (EIS) for all "major Federal actions significantly affecting the human environment." Thus, before implementing any "major" or "significant" or "Federal" action, the BLM must consider the environmental impacts of that action, identify unavoidable environmental impacts, and make this information available to the public in the EIS. All of these conditions must be satisfied before implementing a proposed action.

- **The Code of Federal Regulations (CFR)** -- Title 43 of the Code of Federal Regulations, subchapter 3, provides guidance on Minerals Management (subparts 3100, Onshore Oil and Gas Leasing, General; 3101, Issuance of Leases; 3102, Qualifications of Lessees; 3103, Fees, Rentals, and Royalty; 3104, Bonds; 3105, Cooperative Conservation Provisions; 3106, Transfer by Assignment, Sublease, or Otherwise; 3107, Continuation, Extension, or Renewal; 3108, Relinquishment, Termination, Cancellation; and 3109, Leasing under Special Acts). Part 3150 provides guidance on Onshore Oil and Gas Geophysical Exploration; Part 3180 provides guidance on Onshore Oil and Gas Unit Agreements: Unproven Areas. Part 3200 addresses Geothermal Leasing. Title 43 CFR 3800 addresses mining claims under the General Mining Laws for the BLM.
- **BLM National Onshore Oil and Gas Operating Orders** -- Order No. 1 covers the approval of operations, Federal Register Notice(s), and correction(s) to Federal Register Notice(s); [Order No. 2 covers drilling](#); [Order No. 3 covers site security](#); [Order No. 4 covers the measurement of oil](#); [Order No. 5 covers the measurement of gas](#); [Order No. 6 covers H2S Operations](#); and [Order No. 7 covers the disposal of water](#).
- **BLM National Notice-to-Lessee(s) (NTLs)** -- NTL 3a covers the reporting of undesirable events; NTL 4A covers royalty or compensation for oil and gas lost.
- **BLM Manual and Handbook 1601-1 - Land Use Planning** -- This Manual and Handbook provide guidance with regard to the requirements of the FLPMA (Sections 201 and 202), the BLM's Planning Regulations (43 CFR 1600), and the NEPA. They provide guidance for preparing new RMPS (as well as plan revisions, plan amendments, and subsequent implementation-level plans) so that such plans can help ensure that the public lands are managed in accordance with the principles of multiple use and sustained yield in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber; and in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water, and archaeological values.
- **BLM Manual 3150 - Onshore Oil and Gas and Geophysical Exploration** -- This Manual establishes procedures for processing Notice(s) of Intent (NOIs) to Conduct Oil and Gas Geophysical Exploration Operations, as well as for conducting oil and gas geophysical exploration on BLM-administered lands in the lower 48 States. It describes the functions and responsibilities of the BLM as they pertain to authorization of oil and gas geophysical exploration.
- **BLM Manual 3109; BLM Handbook H-3109-1, Leasing Under Special Acts** -- This Manual and Handbook contain guidance and procedures for processing Federal oil and gas leases and compensatory royalty agreements.
- **BLM Handbook 1624-1, Planning for Fluid Mineral Resources** -- This Handbook provides guidance related to oil and gas, coal, and other leasable and locatable minerals.
- **BLM Handbook H-3110-1, Non-Competitive Leases** -- This Handbook provides procedures, in accordance with the Mineral Leasing Act of 1920 and the Federal Onshore Oil and Gas Leasing Reform Act of 1987, regarding non-competitive leasing of BLM-administered lands.

Guidance concerning the adjudication and issuance of future interest non-competitive leases is also provided.

- **BLM Handbook 3150-1, Onshore Oil and Gas Geophysical Exploration Surface Management Requirements** -- This Handbook provides guidance related to identifying any potential surface-use conflicts between the proposed operation and land use plan restrictions (stipulations), for wildlife habitat areas, range improvements, ROW structures, fire danger, population areas, hunting seasons, off-road vehicle restrictions, and/or any other special designations.
- **BLM Handbook H-3203-1; H-3210-1; H-3220-1, Leasing Terms** -- These handbooks provide guidelines related to adjudication where lease terms have been continued by reason of production, or where leases qualify for extensions. Guidance is also provided regarding the diligent exploration expenditure requirement, consolidation of leases, and the readjustment of lease terms and conditions. The procedures concerning the dating of leases, lease acreage limitations, and descriptions of lands in lease applications or offers are covered in H-3210-1 and H-3220-1.
- **BLM Instruction Memorandum (IM) 2007-021, dated November 8, 2006. Integration of Best Management Practices into Application for Permit to Drill Approvals and Associated Rights-of-Way for Oil & Gas Operations; Geothermal Operations; Helium Operations; Lands and Realty** -- This IM requires that BLM Field Offices use appropriate environmental Best Management Practices (BMPs) for mitigating anticipated impacts to surface and subsurface resources.
- **BLM IM. No. 2008-032, dated November 19, 2007 -- Exceptions, Waivers, and Modifications of Fluid Minerals Stipulations and Conditions of Approval, and Associated Rights-of-Way Terms and Conditions for Oil and Gas Exploration and Operations; Geothermal Operations; Land Use Planning and Environmental Coordination; Lands and Realty; Wildlife Management** -- This IM (and attached instructions) provides guidance related to: 1) incorporating exception, waiver, and modification criteria into a land use plan; 2) making changes to fluid minerals leasing decisions/stipulations in the land use plan; and 3) reviewing and approving lease stipulation exceptions, waivers, and modifications for oil, gas, and geothermal leases that have been issued. Guidance is also provided for adapting the exception, waiver, and modification process to permits (including for oil and gas Applications for Permit to Drill (APD), Geophysical NOIs, and Geothermal Drilling Permit Conditions of Approval), as well as for energy-related ROW Terms and Conditions. This policy consolidates and further refines the exception, waiver, and modification guidance contained in law, regulations, handbooks, and other guidance documents.
- **The Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development ("The Gold Book"), Fourth Edition (2007)** -- The Gold Book provides information on the requirements for obtaining permit approval and for conducting environmentally responsible oil and gas operations on Federal lands, as well as on private surface over Federal minerals (split-estate). In 2007, the Gold Book was updated to incorporate changes resulting from the new Onshore Oil and Gas Order No. 1 regulations.
- **Uniform Format for Oil and Gas Lease Stipulations, dated March 1989, Rocky Mountain Regional Coordinating Committee** -- This document provides oil- and gas-related definitions,

policies, and examples of: No Surface Occupancy (NSO) stipulations, Timing Limitation (TL) stipulations, Controlled Surface Use (CSU) stipulations, special administrative stipulations, and lease notices. It also provides a copy of the standardized stipulation forms to be used for planning purposes.

Fluid Minerals Leasing on Public Lands

Historical Background

Until the early 20th century, the Federal government allowed private individuals/entities to explore and develop public lands containing oil and gas with relative ease, and without charge. Full ownership of oil and gas lands could be purchased for a nominal amount. In 1920, however, Congress enacted the Mineral Leasing Act, and ended the private acquisition of title to Federal lands. The Act authorized the Secretary of the Interior to issue permits for exploration, and to lease lands containing oil and gas. Under the Act, the Federal government retained title to the lands.

The Minerals Leasing Act of 1920 created a two-track leasing process: competitive and non-competitive leasing. Competitive leases were issued when the lands were within the known geologic structure of a producing oil and gas field. Non-competitive leases were issued to the person/entity “first making application” (30 USC 226). All leasing, competitive and non-competitive, was at the discretion of the Secretary of the Interior, who could lease lands with, or without, conditions (stipulations), and who could withhold lands from leasing entirely.

In the 1950s, interest in leasing public lands grew dramatically. Finding it increasingly difficult to determine exactly who was the “first making application” for a lease, the Secretary of the Interior established a lottery system where one application was chosen at random in order to determine the lessee. At the time, the lottery system was widely used because a majority of the leases were issued non-competitively.

In the 1960s and 1970s, there was an increasing demand for the protection and preservation of public lands “undisturbed” for present and future generations. As a result, several major environmental laws were enacted, including the Wilderness Preservation Act of 1964, the National Environmental Policy Act of 1970, and the Endangered Species Act of 1973. As a result of this increased interest in environmental protection, the U.S. Congress overhauled the land use planning process governing public lands. The goal was to encourage land management agencies, including the BLM, to meet society’s increasing demand for materials and energy (in order to support economic growth), and to protect and preserve non-economic values (including of wildlife, outdoor recreation, scenery, air and water quality, etc.) (Watson 2005).

Fluid Minerals Leasing -- BLM Process and Procedure

Overview

The FLPMA established the land management authority of the BLM and provided guidance for how public lands are to be managed by the BLM. In accordance with the FLPMA, the BLM is required to manage public lands on the basis of multiple use and sustained yield (Section 202(c)(1)). Multiple use is to be considered in the context of the best combination of land uses that meet the present and future needs of the nation with respect to “recreation, range, timber, minerals, watershed, wildlife and fish, and natural, scenic, scientific, and historical values.”

The Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, and the Federal Onshore Oil and Gas Leasing Reform Act of 1987, give the BLM responsibility for oil and gas leasing on approximately 570 million acres of BLM, USFS, and other Federal lands, as well as on private lands where mineral rights have been retained by the Federal government ("split-estate" lands).

Under the FLMPA, resource values, including fluid minerals, on BLM-administered lands are to be managed in a "harmonious and coordinated" manner that does not lead to "permanent impairment of the productivity of the land and the quality of the environment." The BLM is required to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values for present and future generations.

Types of Fluid Minerals Leases

The BLM issues 2 types of leases for oil and gas exploration and development on lands owned or controlled by the Federal Government: competitive and non-competitive. After Congress passed the Federal Onshore Oil and Gas Leasing Reform Act of 1987, all public lands available for oil and gas leasing were offered first through a competitive leasing process. Non-competitive oil and gas leases are only issued after the lands have been offered competitively at an oral auction and have not received a bid.

- **Competitive Leasing Process** -- When parcels are available, the BLM conducts oral auctions of all oil and gas leases on a quarterly basis. A Notice of Competitive Lease Sale (Sale Notice), which lists lease parcels to be offered at the auction, is published by each BLM State Office at least 45 days before the auction is held. Lease stipulations applicable to each parcel are specified in the Sale Notice (See Fluid Minerals Leasing --Stipulations below.). Lands included in the auction process come from the following sources:
 - lands identified by informal expressions of interest from the public;
 - lands identified by the BLM for management reasons; and/or
 - lands included in offers filed for non-competitive leases.
- **Non-Competitive Leasing Process** -- Non-competitive leases are only issued for parcels that have been offered competitively but have failed to receive a bid. Lands in expired, terminated, relinquished, or cancelled leases are not available for non-competitive leasing until they have been offered competitively, and have failed to receive a bid. A non-competitive pre-sale offer may be filed on such lands only if the prior lease expired (or was terminated, relinquished or cancelled) at least 1 year before the pre-sale offer was submitted to the BLM State Office.

The BLM cannot place for sale lands already under lease, or lands where mineral ownership is not federally owned. Additional lands unavailable for leasing include, but are not limited to, the following:

- lands within city limits;
- lands withdrawn from mineral leasing;
- lands designated as Wilderness or Wilderness Study Areas (WSAs);

- lands within a Native American Indian Reservation;
- lands with mineral entry applications;
- lands in patented mining claims; and/or
- lands posted in a Notice of Competitive Lease Sale.

In the lower 48 States, the maximum competitive lease size is 2,560; it is 5,760 acres in Alaska. A non-competitive offer (NCO) must be made for a minimum of 640 acres, or for one full section, whichever is larger. A NCO may be made for a maximum of 10,240 acres (entirely within six miles square). Since the passage of the Energy Policy Act of 1992, both competitive and non-competitive leases are issued for a 10-year period. Both types of leases continue for as long as oil or gas is produced in paying quantities.

A lease grants the lessee the right to explore and drill for (and extract, remove, and dispose of) oil and gas deposits (except helium) that may be found in the leased lands.

Subject to special restrictions or “stipulations,” the leases are granted on the condition that the lessee will have to obtain BLM approval before conducting any surface-disturbing activities. The oil and gas lease conveys the right to develop those resources on the leased land. The lessee(s) or operator(s) may not build a house on the land, cultivate the land, or remove any minerals other than oil and gas from the leased land.

Land Use Planning for Fluid Minerals Leasing -- The Planning Process

In order to help ensure proper land management that meets the goals of multiple use and sustained yield, the FLPMA requires the development, maintenance, and revision of land use plans for public lands. The land use planning process is the key tool used by the BLM to protect resources and designate uses on BLM-administered lands. Resource Management Plans (RMPs) help ensure that the public lands are managed in a manner that recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water, and archaeological values for present and future generations.

Preparation of RMPs by the BLM is a major Federal action; therefore, under the provisions of the NEPA, it requires the preparation of an associated Environmental Impact Statement (EIS). The NEPA requires Federal agencies to fully disclose the nature and condition of the environment within the area of interest. The development of an RMP, and the associated EIS, is an interactive process whereby a BLM Interdisciplinary (ID) Team works with all interested parties (including other government agencies, private organizations, groups, and individuals) in order to identify all of the values and resources associated with the public lands, including fluid minerals, and how they would be potentially managed.

In accordance with the NEPA, the BLM must formulate various alternatives for proposed management, and must compare those alternatives to a “no-action” alternative (which is a “baseline” alternative that proposes the continuation of the current management scheme). Working within the ID team process, these “action alternatives” are developed that present different potential planning scenarios. Each alternative is analyzed in the RMP, specifically in relation to how well it would meet the legal and regulatory mandates of the BLM, including for multiple use and sustained yield. At the same time, the

BLM conducts a NEPA analysis of the various alternatives, and discloses the expected environmental, economic, and social impacts of the proposed management alternatives. The NEPA specifically requires the agency preparing the EIS to seek decisions that, among other things, “attain the widest range of beneficial uses of the environment without degradation;” that “preserve important historic, cultural, and natural aspects of our national heritage;” and that “achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities” (42 U.S.C. 4331(b)).

With regard to oil and gas leasing (Section 302(b) (43 USC 1732(b) and 603(c)), the FLPMA requires that RMPs address: 1) the identification of areas available for oil and gas development; and 2) specify related management directions (including, if applicable, stipulations, exceptions, waivers, and modifications) by alternative.

Fluid Minerals Leasing -- Stipulations

BLM-managed public lands are available for oil and gas leasing only after they have been evaluated through the BLM's multiple-use/sustained-yield planning process. In areas where development of oil and gas resources would conflict with the protection or management of other resources or public land uses, mitigating measures are identified and may appear on leases as either stipulations to uses or as restrictions on surface occupancy.

Stipulations are conditions, promises, or demands that are to be made part of a lease when the environmental and planning record demonstrates the necessity for the stipulations. Stipulations, as such, are neither "standard" nor "special." They are a necessary modification of the terms of the lease. In order to accommodate the variety of resources encountered on BLM-administered lands, these stipulations are categorized as to how the stipulation modifies the lease rights, not by the resource(s) to be protected (Rocky Mountain Regional Coordinating Committee 1989). The specifics as to what, why, and how this mitigation/protection is to be accomplished is determined by the land management agency through the development of the RMP and through the NEPA analysis.

If upon weighing the relative resource values, uses, and/or users during the development of the DRMP/DEIS, it is determined that conflict with oil and gas operations exist that cannot be adequately managed under the BLM Standard Lease Terms (SLTs), a lease stipulation is deemed necessary. Documentation of the necessity for a stipulation is disclosed in planning documents, such as in this one, or through site-specific analysis. RMPs, and/or NEPA documents, establish the guidelines by which future waivers, exceptions, and/or modifications may be granted (see definitions below).

Stipulations may be necessary if the authority to control the activity on the lease does not already exist under laws, regulations, and/or orders. The Authorized Officer has the authority to modify the site location and design of facilities, control the rate of development and timing of activities, and require additional mitigation under Sections 2 and 6 of the SLTs (BLM Form 3100-11) and 43 CFR 3101.1-2.

Key definitions related to fluid minerals leasing stipulations are as follows:

- **Lease Stipulation** -- A lease stipulation, developed during the land planning process, is a condition of lease issuance designed to provide a level of protection for other resource values and/or land uses. This is achieved by restricting lease operations (such as during certain times of the year or by locations) in order to avoid unacceptable impacts to a greater extent than provided by standard lease terms or regulations. A stipulation is an enforceable term of the

lease contract. It supersedes any inconsistent provisions of the standard lease form. A lease stipulation is attached to, and made a part of, the lease. Lease stipulations further implement the BLM's regulatory authority to protect resources or resource values.

- **Stipulation Standards** -- Stipulation standards are the physical and temporal conditions, resources, or resource values that must be present, and met, for application of a specific stipulation to a specific lease.
- **Condition of Approval (COA)** -- A COA is a site-specific and enforceable requirement included in an approved Application for Permit to Drill (APD) or in a Sundry Notice that may limit or amend the specific actions proposed by the operator. COAs are designed to minimize, mitigate, or prevent impacts to resource values or other uses of public lands.
- **Information Notice (IN)** -- An IN provides detailed information concerning limitations that already exist in law, lease terms, regulations, and/or operational orders. An IN also addresses special items that the lessee should consider when planning operations. It does not, however, impose new or additional restrictions. INs attached to leases should not be confused with Notices to Lessees (NTLs).
- **Notice to Lessees (NTL)** -- A NTL is a written notice issued by the BLM (in this case) Authorized Officer. NTLs implement regulations and operating orders. They serve as instructions on specific item(s) of importance within a State, District, or Area.
- **No Surface Occupancy (NSO)** -- Under a NSO stipulation, use or occupancy of the land surface for fluid minerals exploration or development is prohibited in order to protect identified resource values. The NSO stipulation includes stipulations that may have been worded as "No Surface Use/Occupancy," "No Surface Disturbance," "Conditional NSO," and/or "Surface Disturbance or Surface Occupancy Restriction (by location)." The NSO stipulation is intended for application only when other stipulations are deemed insufficient to achieve the level of resource protection necessary in order to protect the public interest.
- **Controlled Surface Use (CSU)** -- Under a CSU stipulation, use and occupancy is allowed unless restricted by another stipulation. Identified resource values requiring special operational constraints may modify the lease rights. A CSU stipulation is used for operating guidance, not as a substitute for the NSO or for TL stipulations. The CSU stipulation is intended for application where standard lease terms and permit-level decisions are deemed insufficient to achieve the level of resource protection necessary in order to protect the public interest, but where an NSO stipulation is deemed overly restrictive. A CSU stipulation allows the BLM to require that a proposed facility or activity be relocated, if necessary, in order to achieve the desired level of protection.
- **Timing Limitation (TL)** -- A TL stipulation prohibits surface use during specified time periods in order to protect identified resource values. This stipulation does not apply to the operation and maintenance of production facilities unless the findings of analysis demonstrate the continued need for such mitigation and that less stringent, project-specific mitigation measures would be insufficient. A TL stipulation is intended for application where standard lease terms are deemed insufficient to achieve the level of resource protection necessary in order to protect the public interest, but where an NSO is deemed overly restrictive. The scope of the TL stipulation goes beyond ground-disturbing activities to encompass any source of protracted or high-intensity

disturbance that may interfere with normal wildlife behavior and/or adversely affect (impact) habitat use. Typically, the limitation is applied annually for a specified period of time.

Fluid Minerals Leasing -- Exceptions, Modifications, and Waivers

Fluid minerals lease stipulations and related exceptions, waivers, and modifications are developed during the land use planning process. Exceptions, waivers, and modifications provide an effective means of applying "Adaptive Management" techniques in order to meet changing circumstances. The criteria for approval of exceptions, waivers, and modifications must be supported by the NEPA analysis, either through the land use planning process or through site-specific environmental review.

(Regulations covering exceptions, modifications, and waivers are found in 43 CFR 3101.1-4; BLM IM No. 2008-032, dated November 19, 2007.)

Key definitions related to lease exceptions, modifications, and waivers are as follows:

- **Exceptions** -- A one-time exemption from a stipulation for a particular site within the leasehold. Exceptions are determined on a case-by-case basis and, if granted, suspend the restrictions of a stipulation for a specified period, location, and/or activity. The stipulation continues to apply to other sites within the stipulation area. Exceptions that conform to the RMP do not require public notice. Non-conforming exceptions are granted only upon RMP amendment and do require public notice.
- **Modifications** -- A modification is a fundamental change to the provisions of a lease stipulation. Modifications may be temporary, or they may be for the term of the lease. Depending upon the specific modification, the stipulation may, or may not, apply to all sites within the leasehold to which the restrictive criteria are applied. Modifications are made if it is determined that the stipulation is no longer required as written (for example, when it is based upon the results of monitoring data). Modifications require an environmental assessment in order to determine the potential impacts, and in order to evaluate whether or not an RMP Amendment is needed. If deemed substantial, a modification requires a 30-day public notice period prior to implementation.
- **Waivers** -- Waivers are permanent exemptions to a stipulation. Under a waiver, the stipulation no longer applies anywhere within the leasehold. Waivers apply to an entire stipulation area. They are applied only after preparation of an environmental analysis document, in accordance with the NEPA, and after a subsequent decision has been made that a stipulation is no longer required to protect a specific resource. The decision to waive a substantial stipulation requires an RMP amendment and a 30-day public notice period prior to implementation.

A lease stipulation shall be subject to modification, exception, or waiver if:

- the Authorized Officer determines that the factors leading to its inclusion in the lease have changed sufficiently to make the protection provided by the stipulation no longer justified (when the Authorized Officer determines that impact will be acceptable); or
- if the proposed operations would not result in unacceptable impacts (43 CFR 3101.1-4).

Such determinations must be fully supported by an appropriate level of environmental review, and must be made on a case-by-case basis based on the following questions:

- Would the BLM remain in compliance with all applicable laws, regulations, rules, policies, standards, and guidelines?
- Is the proposal in conformance with the objectives of the RMP?
- What would be the level of harm (impacts) to the protected resource, both locally and regionally?
- What would be the economic or public safety concerns if an active operation near completion was shut down in order to comply with a seasonal closure?
- Are the impacts temporary, rather than long term?
- Is the resource being protected rare, or is it relatively common? Is it a Special Status Species?
- Based upon existing knowledge of a species and of its use of an area, would impacts be confined to single or to a small number of individuals, or would there be impacts on local or regional populations? Would such impacts be allowed under existing law and policy?
- Is off-site mitigation an appropriate option? (For example, where individual or cumulative impacts cannot be effectively mitigated on site.)
- Can the impacts be reduced to an acceptable level through intensive use of environmental Best Management Practices (BMPs)?

Oil and Gas Leasing within the Planning Area

This Appendix lists, by alternative, the stipulations for oil and gas leasing referred to throughout this DRMP/DEIS. The stipulations would not apply to activities and uses where they are contrary to laws, rules, regulations, policies, standards, or guidelines.

Within the Planning Area, stipulations can be applied to Federal oil and gas leases at the time of leasing in order to mitigate impacts that would result from developing leases. Leasing stipulations would be applied where the surface is administered by the BLM, and in split-estate situations (where the surface is privately or State-owned, or managed by other land management agencies). Where National Forest System lands overly Federal mineral estate, the BLM defers surface use control to the U.S. Forest service (USFS), and coordinates with the agency on lease sales and development. Stipulations developed in USFS land management plans would be applied to leases on National Forest System Lands.

The BLM issued Instruction Memorandum (IM) No. 2010-117, Oil and Gas Leasing Reform, on May 17, 2010 (BLM 2010a), in order to implement the Secretary of the Interior's policy on leasing oil and gas resources on Federal lands. Part of the BLM's implementation of the policy is to ensure oil and gas leasing stipulation consistency among the BLM Field Offices in each State, as well as among the various States. During the planning process for the DRMP/DEIS, leasing stipulations for the BLM in Colorado have been undergoing revisions. For the purposes of this DRMP/DEIS, the stipulations described under Alternative A are the existing stipulations, which would continue to be applied to new leases until the Statewide stipulation consistency review and revision process is completed, and the

new stipulations are adopted. In rare cases, existing stipulations are applied under Alternative B, Alternative C, or Alternative D where the new Statewide stipulations do not provide protection of resources or values specific to the Planning Area. (See Appendix C for a description of the current stipulations). The stipulations described under Alternative B, Alternative C, and Alternative D, and in this Appendix, are the current versions of the new leasing stipulations, which would be applied to new leases when they are adopted. The new stipulations are being used in this DRMP/DEIS in order to disclose the potential impacts of their use in the future, instead of the current stipulations (which will become obsolete). This Appendix displays all of the new stipulations, some of which are not used in the alternative descriptions in Chapter 2. The various stipulations have been numbered for identification purposes (such as: CO-NSO-5) in the DRMP/DEIS; however, the numbering sequence will likely change when the stipulations are approved. Oil and gas leasing stipulations are developed through the land use planning process; therefore, the new stipulations developed in the consistency review would be adopted in the Record of Decision (ROD) for the Approved RMP (Approved Plan), or would be adopted by means of a Statewide RMP Amendment [amending the 1984 Kremmling RMP (BLM 1984b)], whichever comes first.

Oil and Gas Lease Stipulations

Table B-1 through Table B-5 summarize the leasing stipulations to be applied as resource protections, by alternative; Table B-6 through Table B-10 provide details of the stipulations and protected resources, including exceptions, modifications, and waivers. Although not constrained by stipulations, areas that are closed to oil and gas leasing are also summarized in Table B-1 and detailed in Table B-6. The stipulations applied under Alternative A are described in detail in Appendix C, and are noted in the tables in this appendix. All other areas not identified in the tables are open to oil and gas leasing, subject to standard lease terms and conditions.

Lease stipulations and lease notices would be applied to all new leases, as well as to expired leases that are reissued. On existing leases, the BLM would seek voluntary compliance, or would develop COAs for Applications for Permit to Drill (APDs) in order to achieve resource protections. Stipulations identified under Alternative A, current management, were developed in accordance with the Colorado Oil and Gas Leasing and Development Final EIS (BLM 1991a). These stipulations do not apply to leases that were issued prior to November 1991.

No Lease

Areas identified as closed are not open to oil and gas leasing. Exceptions, modifications, and waivers do not apply to closed areas. (Refer to Table B-1 and Table B-6.)

No Surface Occupancy

Use or occupancy of the land surface for fluid mineral exploration or development is prohibited in order to protect identified resource values. (Refer to Table B-2 and Table B-7.) The NSO is a major constraint, requiring horizontal or directional drilling from outside the boundaries of the NSO area in order to reach oil and gas resources.

Controlled Surface Use

CSU is a category of moderate constraint stipulations that allows some use and occupancy of the surface while, at the same time, protecting identified resources or values. A CSU stipulation would

allow the BLM to require special operational constraints, including special design or the relocation of a proposed oil and gas development. (Refer to Table B-3 and Table B-8.)

Timing Limitations

Areas as affected by a TL, a moderate constraint, are closed to oil and gas exploration and development during identified timeframes. This stipulation would not apply to operation and maintenance activities, including associated vehicle travel, unless otherwise specified. (Refer to Table B-4 and Table B-9.)

Lease Notice

A LN provides more detailed information concerning limitations already provided by law, lease terms, regulations, or operational orders. A LN also addresses special items that lessees should consider when planning operations; however, it does not impose additional restrictions. LNs apply only to leasable minerals (oil, gas, geothermal resources) and not to other types of leases (such as livestock grazing). (Refer to Table B-5 and Table B-10.)

Condition of Approval

COAs are conditions or provisions (requirements) under which an APD is approved. (See Appendix D.)

Exceptions, Modifications, and Waivers

Stipulations could be excepted, modified, or waived by the Authorized Officer. An exception exempts the holder of the land use authorization from the stipulation on a one-time basis. A modification changes the language or provisions of a surface stipulation, either temporarily or permanently. A waiver permanently exempts the surface stipulation, such as when it is no longer relevant or needed.

Standard Exception

The standard exception applies to all NSOs, CSUs, and TLs even though the standard exception is not included in the “exception” portion of Table B-7 through Table B-9. An exception may be granted by the Authorized Officer if it can be demonstrated that the surface-disturbing activity:

1. would not cause adverse impacts, would have negligible impacts, or would improve the protected resource value or use, as defined by DRMP/DEIS objectives, standards, or conditions in the stipulation.
2. by its nature, must be done within the NSO area in order to benefit the resource value or use that the NSO seeks to protect.

In situations where a lease stipulation is excepted, the activity could be subject to additional COAs, reclamation measures, or Best Management Practices (BMPs). Measures applied would be based upon the nature, extent, and values potentially affected by the surface-disturbing activity. Exceptions to lease stipulations are given on a one-time, case-by-case basis, and will not necessarily constitute subsequent approvals.

Standard Modification

A 30-day public notice and comment period is required before modification of a stipulation. (An example of a standard modification would be if a NSO or a TL for a raptor nest becomes invalidated because that area of the forest has burned, and suitable nest trees no longer exist within that area.)

Standard Waiver

No permanent exemptions or waivers are authorized unless the areas mapped as possessing the attributes are verified by BLM staff to not possess those attributes. (An example of a standard waiver would be if a species protected under the Endangered Species Act (ESA) is removed from the list of Threatened or Endangered Species, and the relevant NSO for that species is no longer appropriate (however, a different stipulation, such as for BLM Sensitive Species, may apply).

Standard Terms for Oil and Gas Leasing

Oil and gas development is subject to the standard terms of the lease. Onshore Oil and Gas Order No. 1 (Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Approval of Operations) and Federal regulations (43 CFR 3101.1-2) provide the authority for the BLM to relocate proposed operations up to 656 feet (200 meters), and to prohibit surface-disturbing operations for a period not to exceed 60 days in any lease year. These regulations are not leasing stipulations; however, they would be applied in order to protect resources in the same way that CSU and TL stipulations would be used. The BLM's regulatory authority also includes ensuring that oil and gas activity is conducted in an environmentally sound manner that protects other resources and uses, and requiring adequate reclamation. The BLM has the discretion to modify surface operations in order to change or add specific mitigation measures when supported by scientific analysis. All mitigation and conservation measures not already required as stipulations would be analyzed in a site-specific environmental analysis document (in accordance with the NEPA), and would be incorporated, as appropriate, into COAs for permits, Plans of Development, and/or other use authorizations.

Table B-1 Summary of Areas Closed to Oil and Gas Leasing				
Protected Resource	Alternative			
	A	B	C	D
Fish and Wildlife				
Core wildlife areas			*	
State-owned wildlife areas			*	
Special Status Species – Plants and Wildlife				
Unleased Greater Sage-grouse core areas			*	
Wilderness Characteristics				
Lands with wilderness characteristics outside of Wilderness Study Areas (WSAs)			*	
Lands and Realty				
YMCA/Sheep Mountain Conservation Easement		*	*	*
Recreation and Visitor Services				
Special Recreation Management Areas (SRMAs)		*	*	*
Wilderness Study Areas				
WSAs	*	*	*	*
Wild and Scenic Rivers				
Suitable Wild and Scenic River (WSR) Segments		*	*	

(NOTE: Details of these closures are provided in Table B-7, Areas Closed to Oil and Gas Leasing.)

Table B-2 Summary of BLM-Colorado NSO Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
	Soils				
CO-NSO-1	Fragile soils <u>or</u> slopes less than 40 percent		*	*	*
	Water				
CO-NSO-2	Major river corridors		*	*	*
CO-NSO-3	Municipal watersheds and public water supplies		*	*	*
CO-NSO-4	Perennial streams, water bodies, fisheries, and riparian areas		*	*	*
CO-NSO-5	Intermittent and ephemeral streams			*	
	Vegetation - Riparian				
CO-NSO-4	Perennial streams, water bodies, fisheries, and riparian areas		*	*	*
	Fish and Wildlife: Fisheries and Other Aquatic Wildlife				
	Common to All Fisheries				
CO-NSO-4	Perennial streams, water bodies, fisheries, and riparian areas		*	*	*
	Big Game Species				
CO-NSO-21	Recreation and visitor resources (wildlife areas and refuges)		*		
	Raptors				
CO-03	Raptors	*			
CO-NSO-6	Raptor- Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all owls and raptors, with exception of American Kestrel		*	*	*
	Waterfowl and Shorebirds				
CO-07	Waterfowl and shorebird habitat and rookeries	*			
	Special-Status Species – Fish and Other Aquatic Wildlife				
	Native Trout				
CO-NSO-4	Perennial streams, water bodies, fisheries, and riparian areas		*	*	*
	Special Status Species – Plants and Terrestrial Wildlife				
	Plants				
CO-08	Special Status Plant Species	*			
CO-NSO-7	Threatened, Endangered, Proposed, and Candidate Plants				
KR-02	North Park Phacelia ACEC/Research Natural Area (RNA)	*			
CO-NSO-25	ACECs, RNAs, and Outstanding Natural Areas (ONAs)		*	*	*
	Least Tern, Piping Plover, Mountain Plover				
CO-NSO-15	Least Tern, Snowy Plover, and Piping Plover nesting habitat		*	*	*
	Bald and Golden Eagle				
CO-04	Bald Eagle roost or nest site	*			
CO-NSO-11	Raptors – Bald Eagle and Golden Eagle		*	*	*
CO-NSO-12	Bald Eagle winter roosts		*	*	*
	Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk				
CO-19	Ferruginous Hawk nesting and fledgling habitat	*			
CO-NSO-13	Raptors-Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk		*	*	*
CO-05	Peregrine Falcon cliff-nesting complex	*			
	Greater Sage-grouse and Sagebrush Biome				
CO-02	Grouse leks	*			
	Columbian Sharp-tailed Grouse				

Table B-2 Summary of BLM-Colorado NSO Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
CO-02	Grouse leks	*			
CO-NSO-10	Columbian Sharp-tailed and Plains Sharp-tailed Grouse		*	*	*
Mexican Spotted Owl					
CO-06	Mexican Spotted Owl	*			
CO-NSO-14	Raptor -- Mexican Spotted Owl		*	*	*
Burrowing Owl					
CO-NSO-6	Raptor- Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all owls and raptors, with exception of American Kestrel		*	*	*
Bats					
CO-NSO-8	Sensitive or federally Listed bat species		*	*	
Cultural Resources					
KR-03	Windy Gap Cultural Resource Management Areas	*			
CO-NSO-16	Cultural resources		*	*	*
Paleontology Resources					
KR-01	Kremmling Cretaceous Ammonite ACEC/RNA	*			
CO-NSO-25	ACECs, RNA, and ONAs		*	*	*
CO-NSO-17	Paleontology resources		*	*	*
Visual Resources					
CO-NSO-18	Visual resources (Class I Areas)		*	*	*
Cave Resources and Abandoned Mines					
CO-NSO-24	Karst (cave) resources		*	*	*
Recreation and Visitor Services					
CO-NSO-23	Recreation and visitor resources (developed recreation sites)		*	*	*
CO-NSO-19	High-value recreation and wildlife habitat resources		*	*	*
CO-NSO-20	Recreation and visitor resources (parks)		*	*	*
CO-NSO-21	Recreation and visitor resources (wildlife areas and refuges)		*	*	*
KR-04	Upper Colorado River SRMA	*			
KR-05	North Sand Hills SRMA	*			
Coal					
CO-01	Federally leased coal lands	*			
K-NSO-2	Federally leased coal lands		*	*	*
Special Designations					
Areas of Critical Environmental Concern					
KR-01	Kremmling Cretaceous Ammonite Site.	*			
KR-02	North Park Phacelia ACEC	*			
CO-NSO-25	ACECs, RNAs, and ONAs		*	*	*
Continental Divide National Scenic Trail					
K-NSO-3	National Trail Corridors		*	*	*
Watchable Wildlife Areas					
K-NSO-4	Watchable Wildlife Areas (WWAs)		*	*	*

(NOTE: Details of these stipulations are provided in Table B-8, NSO Stipulations Applicable to Oil and Gas Leasing.)

Table B-3 Summary of BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
	Soils				
CO-27	Slopes greater than 40 percent	*			
CO-CSU-1	Soils (slopes between 25 and 40 percent)		*	*	*
	Water				
CO-28	Riparian/wetland vegetation zones	*			
CO-CSU-2	Municipal watersheds and public water supplies		*	*	*
CO-CSU-3	Perennial streams, water bodies, fisheries, and riparian areas		*	*	
CO-CSU-4	Intermittent and ephemeral streams			*	
Vegetation - Riparian					
CO-28	Riparian/wetland vegetation zones	*			
CO-CSU-3	Perennial streams, water bodies, fisheries, and riparian areas		*	*	
Fish and Wildlife					
Common to All Fisheries					
CO-CSU-3	Perennial streams, water bodies, fisheries, and riparian areas		*	*	
BLM Sensitive Amphibians					
CO-CSU-7	BLM Sensitive amphibians		*	*	*
Special Status Species – Plants and Terrestrial Wildlife					
Plants					
CO-CSU-6	Significant plant communities and relict vegetation		*	*	*
CO-CSU-5	BLM Sensitive plant species		*	*	*
Bald Eagle					
CO-CSU-12	Bald Eagle habitat – cottonwood communities		*	*	*
Greater Sage-grouse and Sagebrush Biome					
CO-CSU-8	Mapped seasonal habitats (non-lek breeding, late brood rearing, and winter habitat) or suitable sagebrush habitat within a 4-mile radius of a lek		*	*	*
Mexican Spotted Owl					
CO-CSU-12	Mexican Spotted Owl – suitable breeding habitat		*	*	*
White-tailed Prairie Dog					
CO-CSU-9	Prairie Dog town complexes		*	*	*
Canada Lynx					
CO-CSU-10	Established Lynx linkage corridors and Lynx habitat within Lynx Analysis Units (LAUs)		*	*	*
Visual Resources					
CO-CSU-15	VRM Objective Class Areas		*	*	*
CO-CSU-16	Backcountry and Scenic Byway viewsheds		*	*	*
CO-CSU-17	State and U.S. Highway viewsheds		*	*	*
CO-CSU-18	Rehabilitation within State and U.S. Highway and Interstate viewsheds		*	*	*
CO-CSU-19	SRMAs		*	*	*
CO-CSU-20	Key Observation Points (KOPs)		*	*	*
CO-CSU-21	River foreground and middleground		*	*	*
CO-CSU-22	BLM-managed public lands near residential developments		*	*	*
Lands with Wilderness Characteristics Outside Existing WSAs					
CO-CSU-23	Lands managed for wilderness characteristics outside of WSAs				*
Recreation and Visitor Services					

Table B-3 Summary of BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
CO-CSU-24	Developed recreation sites		*	*	*
CO-CSU-25	Recreation travel routes and corridors		*	*	*
CO-CSU-26	Recreation access zones		*	*	*
<i>Special Recreation Management Areas</i>					
CO-CSU-19	SRMAs				*
	Coal				
CO-25	Federally leased coal lands	*			
CO-CSU-27	Federally lased coal lands		*	*	*
<i>Wild and Scenic Rivers</i>					
CO-CSU-28	WSR segments	*			*
<i>State or National Trails and Byways</i>					
CO-CSU-16	Backcountry and Scenic Byway viewsheds		*	*	*

(NOTE: Details of these stipulations are provided in Table B-9, CSU Stipulations Applicable to Oil and Gas Leasing.)

Table B-4 Summary of BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
	Fish and Wildlife: Fisheries and Other Aquatic Wildlife				
<i>Coldwater Sport and Native Fish</i>					
CO-TL-1	Native fish and important sport fish		*	*	*
	Fish and Wildlife: Wildlife				
<i>Wildlife</i>					
CO-TL-6	Wild Turkey winter habitat		*	*	*
<i>Big Game Species</i>					
CO-09	Big game winter habitat	*			
CO-TL-3	Big game crucial winter range (severe winter range and winter concentration areas)		*	*	*
CO-10; CO-11; CO-12	Big game birthing areas (elk, antelope, Bighorn sheep)	*			
CO-TL-2	Big game production areas		*	*	*
<i>Raptors</i>					
CO-18	Raptors	*			
CO-20	Raptors	*			
CO-TL-5	Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all Owls and Raptors with Exception of American Kestrel		*	*	*
<i>Waterfowl and Shorebirds</i>					
CO-TL-4	Shorebirds, waterbirds, and waterfowl		*	*	*
	Fish and Wildlife: Special Status Species, Fish and Other Aquatic Wildlife				
<i>Native Trout</i>					
CO-TL-1	Native fish and important sport fish		*	*	*
	Fish and Wildlife: Special Status Species, Plants and Terrestrial Wildlife				
<i>American White Pelican</i>					
CO-17	American White Pelican	*			
CO-TL-4	Shorebirds, waterbirds, and waterfowl		*	*	*
<i>Least Tern, Piping Plover, Mountain Plover</i>					
CO-TL-15	Mountain Plover nesting habitat		*	*	*
<i>Bald and Golden Eagle</i>					
CO-22	Bald Eagle nest sites	*			
CO-TL-11	Bald Eagle and Golden Eagle nest sites		*	*	*
CO-23	Bald Eagle winter roost sites	*			
CO-TL-12	Bald Eagle winter roost sites		*	*	*
<i>Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, & Northern Goshawk</i>					
CO-19	Ferruginous Hawk nesting and fledgling habitat	*			
CO-TL-13	Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk nest sites		*	*	*
CO-24	Peregrine Falcon cliff-nesting complex	*			
<i>Greater Sage-grouse and Sagebrush Biome</i>					
CO-15	Grouse winter habitat	*			

Table B-4 Summary of BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
CO-TL-7	Sage Grouse nesting habitat		*	*	*
CO-TL-8	Sage Grouse winter habitat		*	*	*
<i>Columbian Sharp-tailed Grouse</i>					
CO-15	Grouse winter habitat	*			
CO-TL-9	Plains and Columbian Sharp-tailed Grouse nesting habitat		*	*	*
CO-TL-10	Columbian Sharp-tailed Grouse winter habitat		*	*	*
<i>Greater Sandhill Crane</i>					
CO-16	Greater Sandhill Crane	*			
CO-TL-16	Greater Sandhill Crane nesting, roosting, staging, and migration habitat		*	*	*
<i>Mexican Spotted Owl</i>					
CO-21	Mexican Spotted Owl	*			
CO-TL-14	Mexican Spotted Owl suitable breeding habitat		*	*	*
CO-TL-6	Wild Turkey winter habitat		*	*	*
<i>Burrowing Owl</i>					
CO-TL-5	Raptor- Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all Owls, and Raptors with Exception of American Kestrel nest sites		*	*	*

(NOTE: Details of these stipulations are provided in Table B-10, TL Stipulations Applicable to Oil and Gas Leasing.)

Table B-5					
Summary of BLM-Colorado Lease Notices Applicable to Oil and Gas Leasing					
Lease Notice Number	Protected Resource	Alternative			
		A	B	C	D
	Fish and Wildlife				
Wildlife					
CO-31	Biological inventories	*			
Migratory Birds					
CO-LN-1	Migratory Bird nesting habitat		*	*	*
CO-LN-3	Special Status Species plants and animals		*	*	*
CO-LN-1	Migratory Bird nesting habitat				
Special Status Species – Plants and Terrestrial Wildlife					
Common to All Special Status Plants and Terrestrial Wildlife					
CO-LN-3	Special Status Species plants and wildlife		*	*	*
CO-34	Endangered Species Act	*			
CO-LN-2	Endangered Species Act		*	*	*
CO-31	Biological inventories	*			
CO-LN-3	Special Status Species plants and wildlife		*	*	*
CO-LN-4	Important Sage-grouse habitat				
Cultural Resources					
CO-LN-5	Cultural resources				
CO-LN-6	Buried cultural resources				
Paleontology					
CO-LN-7	Paleontological (fossil) resources				

(NOTE: Details of these stipulations are provided in Table B-11, Lease Notices Applicable to Oil and Gas Leasing.)

Table B-6 Summary of KFO Stipulations Applicable to Oil and Gas Leasing					
Stipulation Number	Protected Resource	Alternative			
		A	B	C	D
Fish and Wildlife					
K-NSO-1	Core wildlife areas	*			
Coal					
K-NSO-2	Federally leased coal lands		*	*	*
National Scenic Trail					
K-NSO-3	Continental Divide National Scenic Trail (CDNST)		*	*	*
Watchable Wildlife Areas					
K-NSO-4	WWAs		*	*	*
Recreation and Visitor Services					
K-CSU-1	Extensive Recreation Management Areas (ERMAs)		*	*	
Coal					
K-CSU-2	Federally leased coal lands		*	*	*
Wildlife					
K-LN-1	High value wildlife habitat		*	*	*

(NOTE: Details of these stipulations are provided in Table B-12, KFO Stipulations Applicable to Oil and Gas Leasing.)

Table B-7 Areas Closed to Oil and Gas Leasing		
Type Protected Resource		No Leasing Area Description
Fish and Wildlife		
No Lease	Core Wildlife Areas	Prohibit oil and gas leasing in core wildlife areas (big game winter, migration corridors) in order to offset impacts of oil and gas development in leased areas [Core wildlife areas include areas of the highest value/top-ranked wildlife habitat (by the BLM and by the Colorado Division of Wildlife (CDOW)) for multiple species, including elk, mule deer, white-tail deer, and pronghorn antelope migration corridors, severe winter areas, and winter concentration areas.
No Lease	State-owned Wildlife Areas	Prohibit oil and gas leasing on all State-owned Wildlife Areas.
Special-Status Species – Wildlife		
No Lease	Greater Sage-grouse Core Areas	Prohibit oil and gas leasing on, or within, Greater Sage-grouse Core Areas (including sage-grouse lek, nesting, and winter areas) in order to offset impacts of oil and gas development in leased areas.
Wilderness Characteristics		
No Lease	Lands with Wilderness Characteristics	Prohibit oil and gas leasing within areas of lands with wilderness characteristics outside of WSAs.
Lands and Realty		
No Lease	Municipal Boundaries	Prohibit oil and gas leasing within municipal boundaries.
No Lease	Conservation Easements	Prohibit oil and gas leasing in the YMCA/Sheep Mountain Conservation Easement area.
Recreation and Visitor Services		
No Lease	Upper Colorado River SRMA (west)	Prohibit oil and gas leasing in the Upper Colorado River SRMA (west) under Alternative B, Alternative C, and Alternative D.
No Lease	Upper Colorado River SRMA (east)	Prohibit oil and gas leasing in the Upper Colorado River SRMA (east) under Alternative D.
No Lease	North Sand Hills SRMA	Prohibit oil and gas leasing in the North Sand Hills SRMA under Alternative B, Alternative C, and Alternative D.
No Lease	Strawberry SRMA	Prohibit oil and gas leasing in the Strawberry SRMA under Alternative C.
Wilderness Study Areas		
No Lease WSAs		Prohibit oil and gas leasing in the North Sand Hills Instant Study Area (ISA), and the Platte River Contiguous and Troublesome WSAs.
Wild and Scenic Rivers		
No Lease	Suitable Stream Segments	Prohibit oil and gas leasing within all segments suitable for inclusion in the National Wild and Scenic River System (NWSRS).

Table B-8		
BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
Soils		
NSO	CO-NSO-1 Fragile Soils or Slopes Less Than 40 Percent	<p>STIPULATION -- Prohibit surface occupancy or use in all areas of fragile soils (as defined below) as well as a 75-foot buffer around the fragile areas, which includes slumps, landslides, highly erosive soils, flooding, and biological soil crusts. The buffer can be extended based upon site specific conditions; conversely, if the soil mapping is incorrect, no fragile area is found, a NSO would be waived. NSO/No Ground Disturbance (NGD) for slopes less than 40 percent.</p> <p>[NOTE: "Fragile soils" -- Many soils are termed "fragile," in that they have shallow depth to bedrock, minimal surface layer organic material content and structure, soil textures that are more easily detached and eroded, or are on slopes over 35 percent. The soil map unit description rate all soils in the resource area as to their susceptibility to water erosion. Wind erosion may also be a hazard, especially when surface litter and vegetation is removed by fire.]</p> <p>The following soil/slope characteristics are indicative of a potentially fragile soil or high erosion hazard:</p> <ol style="list-style-type: none"> 1. soils rated as highly or severely erodible by wind or water, as described in National Resource Conservation Service (NRCS) soil survey reports; 2. soils on slopes less than 35 percent, especially if they have 1 of the following characteristics: a) a surface texture that is sand, loamy sand, very fine sandy loam, fine sandy loam, silty clay, or clay; b) a depth to bedrock that is greater than 20 inches; c) an erosion hazard rating of high or very high; and d) a K (soil erodibility potential) factor less than 0.32. <p>PURPOSE -- To protect soil productivity, rare or sensitive biota, thereby minimizing risk to water bodies, fisheries and aquatic species habitats; and the protection of human health and safety (from landslides, mass wasting, etc.).</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
Water		
NSO	CO-NSO-2 Major River Corridors	<p>STIPULATION -- Prohibit surface occupancy or use within stream channels, stream banks, and the area 2,500 horizontal feet either side of the ordinary high-water mark (bank-full stage) of rivers/streams.</p> <p>PURPOSE -- To protect rivers and adjacent aquatic habitat that provide: a) Special Status or critical fish and wildlife species habitat: b) important riparian values: c) water quality/filtering values: d) waterfowl and shorebird production values: e) valuable amphibian habitat: f) 100-year floodplain, and g) high scenic and recreation values of major rivers.</p> <p>EXCEPTION -- Standard exceptions apply. In addition, essential future</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		<p>actions in which implementation of a professionally engineered design, construction, maintenance, and reclamation plan can mitigate, to the fullest extent practicable, all potential resource damage associated with the proposed action.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
NSO	CO-NSO-3 Municipal Watersheds and Public Water Supplies	<p>STIPULATION -- Prohibit surface occupancy or use on lands within 1,000 horizontal feet of either side of a classified surface water supply stream segment (as measured from the average high-water mark of a water body) for a distance of 5 miles upstream of a public water supply intake with the classification "Water Supply" by the State of Colorado used as a public (municipal) water supply.</p> <p>For all domestic water supplies using a groundwater well or spring, no surface occupancy will be allowed within a minimum distance of 1,000 horizontal feet.</p> <p>PURPOSE -- To protect public water supplies, water quality, aquatic habitat and human health.</p> <p>(NOTE: A watershed that serves a "public water system." As defined by the State of Colorado, a "public water system" is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.)</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>
NSO	CO-NSO-4 Perennial Streams, Water Bodies, Fisheries, and Riparian Areas	<p>STIPULATION -- Prohibit surface occupancy or use within a minimum buffer distance of 325 horizontal feet for all perennial waters. For perennial streams, the buffer will be measured from the ordinary high-water mark (bankfull stage). For wetland features, the buffer will be measured from the edge of the mapped extent (see Table 1). For unmapped wetlands, the vegetative boundary (from which the buffer originates) will be determined in the field. Where the riparian zone extends beyond 325 feet, the NSO would be extended to include the entire riparian zone.</p>

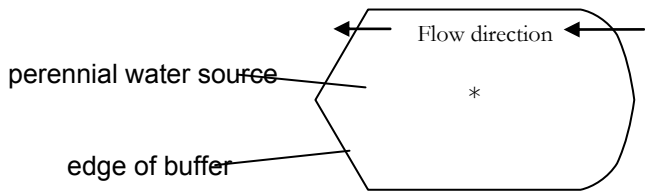
Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing														
Type	Stipulation Number/ Protected Resource	Stipulation Description												
		<table><tr><th colspan="2">Table 1. NSO Buffers for Perennial Waters</th></tr><tr><th>Water Body Type</th><th>Buffer Width in feet</th></tr><tr><td>Fens and wetlands</td><td>325 feet</td></tr><tr><td>Perennial streams (with or without fish)</td><td>325 feet (as measured from ordinary high water mark)</td></tr><tr><td>Lotic or lentic springs and seeps</td><td>325 feet (as measured from wetland/vegetation edge)</td></tr><tr><td>Riparian</td><td>325 feet (or greater, if riparian area is wider than 325 feet)</td></tr></table> <div><p>PURPOSE -- To maintain the proper functioning condition (PFC), including the vegetative, hydrologic, and geomorphic functionality of the perennial water body; protect water quality, fish habitat, aquatic habitat; and provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.</p><p>EXCEPTION -- Standard exceptions apply. In addition, an exception may be granted for stream crossings if the Authorized Officer determines that no other alternative exists (such as another route).</p><p>MODIFICATION -- Wetland buffer dimensions may be averaged in order to accommodate variability in terrain or development plans. Up-gradient distances should be maintained (up-gradient buffer distances of 325 feet), while down-gradient buffers may be reduced to no less than 100 feet. The buffer averaging must, however, not adversely affect wetland functions and values; and a minimum buffer distance of 100 feet from the wetland edge must be maintained. The buffer's intent is to protect the water source area of the wetland, which is more important than the down-gradient portion of the wetland.</p><p>WAIVER -- Standard waivers apply.</p></div>	Table 1. NSO Buffers for Perennial Waters		Water Body Type	Buffer Width in feet	Fens and wetlands	325 feet	Perennial streams (with or without fish)	325 feet (as measured from ordinary high water mark)	Lotic or lentic springs and seeps	325 feet (as measured from wetland/vegetation edge)	Riparian	325 feet (or greater, if riparian area is wider than 325 feet)
Table 1. NSO Buffers for Perennial Waters														
Water Body Type	Buffer Width in feet													
Fens and wetlands	325 feet													
Perennial streams (with or without fish)	325 feet (as measured from ordinary high water mark)													
Lotic or lentic springs and seeps	325 feet (as measured from wetland/vegetation edge)													
Riparian	325 feet (or greater, if riparian area is wider than 325 feet)													
NSO	CO-NSO-5 Intermittent and Ephemeral Streams	<p>STIPULATION -- Prohibit surface occupancy or use within 50 horizontal feet, as measured from the top of the stream bank, for all intermittent or ephemeral streams (see diagram). If riparian vegetation extends beyond the top of the stream bank, the buffer will be measured from the extent of the riparian vegetation.</p>												

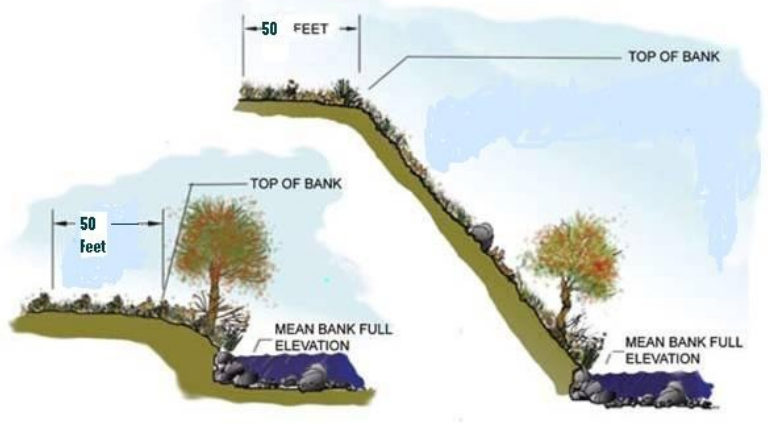
Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		 <p>PURPOSE: To maintain and protect water quality, stream stability, aquatic health, seasonal use, and downstream fisheries; and sediment processes downstream.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION: None.</p> <p>WAIVER: None.</p>
Wildlife		
NSO	CO-NSO-6 Raptor- Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all owls and raptors, with exception of American Kestrel	<p>STIPULATION -- No surface occupancy or use is allowed on Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all owls with exception of Mexican Spotted Owl: within 0.25 mile radius of active and inactive nest sites.</p> <p>PURPOSE -- To maintain the integrity of nest sites and surrounding habitat.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current, or subsequent, nesting activity or occupancy. An exception may be granted to these dates by the Field Manager, consistent with policies derived from Federal administration of the Migratory Bird Treaty Act (MBTA).</p> <p>MODIFICATION -- The Field Manager may modify the stipulation buffer distances, or substitute with a TL, if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		<p>modification may be granted if the nest has remained unoccupied for a minimum of 5 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
Special Status Species – Plants and Wildlife		
NSO	CO-NSO-7 Threatened, Endangered, Proposed, and Candidate Plants	<p>STIPULATION -- Prohibit surface occupancy or use within a 656-foot (200-meter) buffer from the edge of occupied habitat for the following Special Status plant species: federally Listed Species, Proposed Species and Candidate Species. In addition, prohibit surface occupancy within areas designated as critical habitat.</p> <p>PURPOSE -- To protect federally Listed, Proposed, and Candidate plant species, and designated critical habitat, from direct and indirect impacts, including loss of habitat. The protection buffer reduces the risk of impacts on Special Status plant populations resulting from dust transport, weed invasion, chemical and produced-water spills; and those effects on Special Status plant populations. It also reduces impacts to important pollinators and their habitat.</p> <p>EXCEPTION -- An exception may be granted by the Authorized Officer if it can be demonstrated that the activity would not cause adverse impacts, or have negligible impacts. In addition, surface occupancy may be authorized following ESA Section 7 Consultation with the U.S. Fish and Wildlife Service (USFWS) (for species listed under the ESA). If an exception is granted, special design, construction, and implementation measures, including relocation of operations by more than (656 feet) (200 meters), may be required.</p> <p>MODIFICATION -- The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or recovery of the species.</p> <p>WAIVER -- A waiver may be granted by the Authorized Officer if the species is delisted, becomes extinct, or if the site has been unoccupied by the species for a minimum period of 15 years.</p>
NSO	CSO-NSO-8 Bat Maternity Roosts and Hibernacula	<p>STIPULATION -- No surface occupancy within one-quarter mile radius of known maternity roosts or hibernacula of BLM Sensitive bat species.</p> <p>PURPOSE -- To protect known sensitive bat species' maternity roosts and hibernacula.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of these features for current, or subsequent, reproductive or over-winter activity or occupancy.</p> <p>MODIFICATION -- The Field Manager may modify the stipulation buffer distances if an environmental analysis indicates that a portion of the area is non-essential to maintaining habitat use, or that the Proposed Action</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		<p>could be conditioned so as not to impair the utility of these features for current, or subsequent, reproductive or over-winter activities or occupation. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective.</p> <p>WAIVER -- A waiver may be granted if the feature is no longer capable of supporting reproductive and over-winter activities.</p>
NSO	CO-NSO-9 Sage-grouse Lek Habitat	<p>STIPULATION -- No surface occupancy or use is allowed on the lands described below:</p> <ul style="list-style-type: none"> • Greater Sage-grouse: within 0.6 mile radius of leks • Gunnison Sage-grouse: within 0.6 mile radius leks <p>PURPOSE -- To maintain the integrity of habitat surrounding leks that are used during the breeding period.</p> <p>EXCEPTION -- An exception may be granted by the Field Manager if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current, or subsequent, reproductive display, including daytime loafing/staging activities.</p> <p>MODIFICATION -- The no surface occupancy or use area may be modified in extent, or substituted with a TL, by the Field Manager if an environmental analysis finds that: 1) a portion of the area is non-essential to site utility or function, 2) the Proposed Action could be conditioned so as not to impair the function or utility of the site for current, or subsequent, reproductive display, including daytime loafing/staging activities, or 3) it is determined that the site has been unoccupied for a minimum of 10 years, unless the area has been identified for habitat restoration and population recovery. The stipulation may also be modified if the proponent, the BLM, the CDOW, and, where necessary, other affected interest, negotiate compensation that satisfactorily offsets anticipated impacts to sage-grouse breeding activities and/or habitats.</p> <p>WAIVER -- The Field Manager may grant a waiver if, in cooperation with the CDOW, it is determined that the lease area is no longer capable of supporting suitable lekking activity.</p>
NSO	CO-NSO-10 Columbian Sharp-tailed and Plains Sharp-tailed Grouse	<p>STIPULATION -- No surface occupancy or use is allowed on the lands described below:</p> <ul style="list-style-type: none"> • Plains Sharp-tailed Grouse: within 0.4 mile radius of leks • Columbian Sharp-tailed Grouse: within 0.4 mile radius of leks <p>PURPOSE -- To maintain the integrity of habitat surrounding leks that are used during the breeding period.</p> <p>EXCEPTION -- An exception may be granted by the Field Manager if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current, or subsequent, reproductive display, including daytime loafing/staging activities.</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		<p>MODIFICATION -- The no surface occupancy or use area may be modified in extent, or substituted with a TL, by the Field Manager if an environmental analysis finds that: 1) a portion of the area is non-essential to site utility or function, 2) that the Proposed Action could be conditioned so as not to impair the function or utility of the site for current, or subsequent, reproductive display, including daytime loafing/staging activities; or 3) it is determined that the site has been unoccupied for a minimum of 10 years, unless the area has been identified for habitat restoration and population recovery. The stipulation may also be modified if the proponent, the BLM, the CDOW, and, where necessary, other affected interest, negotiate compensation that satisfactorily offsets anticipated impacts to grouse breeding activities and/or habitats.</p> <p>WAIVER -- The Field Manager may grant a waiver if, in coordination with the CDOW, it is determined that the lease area is no longer capable of supporting suitable lekking activity.</p>
NSO	CO-NSO-11 Raptors – Bald Eagle and Golden Eagle Nest Sites	<p>STIPULATION -- No surface occupancy or use is allowed on the lands described below:</p> <ul style="list-style-type: none"> • Bald Eagle: within 0.25 mile radius of active and inactive nest sites or within 100 meters of abandoned nests (unoccupied for 5 consecutive years, but with all or part of the nest remaining) • Golden Eagle: within 0.25 mile radius of active and inactive nest sites. <p>PURPOSE -- To maintain integrity of nest sites and surrounding habitat.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of the nest for current, or subsequent, nesting activity or occupancy.</p> <p>MODIFICATION -- The Field Manager may modify the stipulation buffer distances, or substitute with a TL, if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, the USFWS, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
NSO	CO-NSO-12 Bald Eagle Winter Roost Sites	<p>STIPULATION -- No surface occupancy or use is allowed on the lands described below:</p> <ul style="list-style-type: none"> Bald Eagle Roosts: This area encompasses bald eagle winter roosts. Surface occupancy or use is not allowed within 0.25 mile of designated features. <p>PURPOSE: To maintain the integrity of active winter roost sites and surrounding habitat.</p> <p>EXCEPTION -- The Field Manager may also grant an exception if an environmental analysis indicates that the nature or conduct of the action, as proposed or conditioned, would not impair the function or utility of the site for current, or subsequent, roosting activities or occupancy</p> <p>MODIFICATION -- The no surface occupancy or use stipulation may be modified by the Field Manager if an environmental analysis indicates that a portion of the area is non-essential to roost site function or utility, or that the Proposed Action could be conditioned to not impair the function or utility of the site for current, or subsequent, roosting activities or occupancy. The modification may be modified if the site has failed to support roosting activities over a minimum 5-year period. A waiver may also apply if the area has changed such that there is no reasonable likelihood of site occupation for a subsequent minimum period of 10 years.</p> <p>WAIVER -- The Field Manager may grant a waiver if the area has changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
NSO	CSO-NSO-13 Raptors- Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk	<p>STIPULATION -- No surface occupancy or use is allowed on the lands described below:</p> <ul style="list-style-type: none"> Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, and Northern Goshawk: within 0.5 mile of active and inactive nest sites <p>PURPOSE -- To maintain the integrity of nest sites and surrounding habitat.</p> <p>EXCEPTION: An exception can be granted, or substituted with a TL, if an environmental analysis of the Proposed Action indicates that nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current, or subsequent, nesting activity or occupancy. An exception may be granted by the Field Manager, consistent with policies derived from Federal administration of the MBTA.</p> <p>MODIFICATION -- The Field Manager may modify the stipulation buffer distances, or substitute with a TL, if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the proposed action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period. WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.
NSO	CO-NSO-14 Raptor- Mexican Spotted Owl Protected Activity Centers (PAC)	STIPULATION -- No surface occupancy or use is allowed on the lands identified as PACs for Mexican Spotted Owls. PURPOSE -- To maintain the integrity of the breeding and brood rearing complex. EXCEPTION -- An exception may be granted if an environmental analysis of the Proposed Action, and subsequent consultation, indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of PAC for current, or subsequent, reproductive activity or occupancy. MODIFICATION -- The Field Manager may modify the PAC configuration or extent based upon new information. Modification of the PAC would be completed in coordination with the USWS. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. WAIVER -- The Field Manager may grant a waiver if the PAC conditions have changed such that there is no reasonable long-term likelihood of PAC occupation.
NSO	CO-NSO-15 Least Tern , Snowy Plover and Piping Plover Nesting Habitat	STIPULATION -- No surface occupancy or use is allowed on the lands described below: <ul style="list-style-type: none"> • Production areas as mapped by the BLM or by the CDOW PURPOSE -- To protect the integrity of nesting habitat. EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action, and subsequent consultation, indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current, or subsequent, nesting activity or occupancy. MODIFICATION --The Field Manager, in consultation with the USFWS, may modify the stipulation area if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest habitat for current, or subsequent, nest activities or occupation. WAIVER -- A waiver may be granted if habitat conditions are permanently incapable of supporting production activities.
Cultural Resources		
NSO	CO-NSO-16 Cultural	STIPULATION -- The lessee is prohibited from surface occupancy and surface-disturbing activities within a 100-meter-wide protection boundary

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
	Resources	<p>around known eligible cultural resources, traditional cultural properties, listed National Register sites/districts, outstanding cultural resources to be nominated to the National Register of Historic Places (NRHP), interpreted and/or public use sites, and experimental-use sites (BLM Manual 8110.42(A-E).</p> <p>PURPOSE -- To protect cultural resource sites that may be damaged from inadvertent, unauthorized, or authorized uses. The following characteristics are to be protected: 1) significant scientific information; 2) areas that contain dense concentrations of significant sites; 3) integrity of physical setting; 4) integrity of visual setting associated with a place and/or cultural landscape; and 5) recreational opportunity for public use sites.</p> <p>Typically, mitigation using data recovery is not an option for traditional cultural properties, sites set aside for long-term conservation, and interpreted and/or public use sites</p> <p>EXCEPTION -- The Authorizing Officer may: 1) allow archaeological documentation, controlled surface collection, and/or excavation that, where not prohibited, may result in the sites physical alteration or destruction; and 2) change the site protection boundary on a case-by-case basis, taking into account topographical barriers, the nature of the Proposed Action, and the nature of the cultural resource site and/or area.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- The complete destruction of the geographical area containing the site. When circumstances change or new data become available, the Authorized Officer shall re-evaluate and revise the cultural resource site use allocation to discharged from management. Specific cultural resource sites must be inspected in the field and recorded before they may be discharged from management. Cultural resources discharged from management are removed from further management attention and do not constrain other land uses [BLM Manual 8110.42(F)]. These locations no longer possess integrity of location, design, setting, materials, workmanship, feeling, and association that qualify them for nomination to the NRHP [36 CFR 60.4(a)(d).]</p>
Paleontology		
NSO	CO-NSO-17 Paleontological (Fossil) Resources	<p>STIPULATION -- The lessee is prohibited from surface occupancy and surface-disturbing activities within 100 meters around all known scientifically important paleontological resources.</p> <p>PURPOSE -- To protect scientific information that may be damaged from inadvertent or authorized uses.</p> <p>EXCEPTION -- The Authorizing Officer may: 1) allow for paleontological excavation; and 2) change the protection boundary on a case-by-case basis, taking into account topographical barriers, the design of the Proposed Action, and the characteristics of the paleontological resource.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- Destruction of all the physical characteristics of a paleontological resource.</p>
Visual Resources		

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
NSO	CO-NSO-18 Visual Resources	<p>STIPULATION -- Surface occupancy is not allowed in all VRM Objective Class I areas.</p> <p>PURPOSE -- To maintain scenic quality in accordance with documented public sensitivity to visual aesthetics and visibility.</p> <p>EXCEPTION -- If VRM objective class is downgraded to II-IV; other applicable stipulations would still apply.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>
Recreation and Visitor Services		
NSO	CO-NSO-19 High Value Recreation and Wildlife Habitat Resources	<p>STIPULATION -- Prohibit surface occupancy or use on selected State Wildlife Areas (SWAs), as determined by BLM in cooperation with the CDOW.</p> <p>PURPOSE -- To protect high value wildlife habitat and recreation values associated with designated SWAs.</p> <p>EXCEPTION -- An exception may be granted, or substituted with a TL, by the Field Manager, in coordination with the CDOW, if an environmental analysis determines that the action, as proposed or conditioned, would not impair the values of the SWA.</p> <p>MODIFICATION -- A modification may be granted by the Field Manager, in coordination with the CDOW, if an environmental analysis finds that a portion of the area is non-essential to site utility or function, or that the Proposed Action could be conditioned so as not to impair the current, or future, values of the site. The stipulation may also be modified if the proponent, the CDOW, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to the SWA.</p> <p>WAIVER -- This stipulation may be waived if the CDOW disposes of the site.</p>
NSO	CO-NSO-20 Recreation and Visitor Resources	<p>STIPULATION -- Prohibit surface occupancy or use within the boundaries of municipal, County, State, and National Parks.</p> <p>PURPOSE -- To protect recreation-tourism investments and their social and economic significance to nearby communities, and to Colorado's Statewide economy.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, boundaries of the stipulated areas may be modified for specific areas, projects, etc., wherever it can be positively determined that such modification will have no significant adverse affect to benefiting communities and economies.</p> <p>WAIVER -- None.</p>
NSO	CO-NSO-21 Recreation and Visitor Resources	<p>STIPULATION -- Prohibit surface occupancy or use within the boundaries of all SWAs and Federal Wildlife Refuges.</p> <p>PURPOSE -- To protect these areas' recreation-tourism attractions and their social and economic significance to nearby communities, and to Colorado's Statewide economy.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, boundaries</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		of the stipulated areas may be modified for specific areas, projects, etc., wherever it can be positively determined that such modification will have no significant adverse affect to benefiting communities and economies. WAIVER -- None.
NSO	CO-NSO-22 Recreation and Visitor Resources	<p>STIPULATION -- Prohibit surface occupancy or use within SRMAs where the Authorized Officer has identified and documented, through the environmental analysis and planning process, specific recreation-tourism visitors and/or community customer markets to be served; and that specific setting character and/or service delivery system conditions are essential to the achievement of specifically targeted recreation benefits and associated recreational activities.</p> <p>PURPOSE -- To protect major BLM recreation investments within SRMAs; the distinctive character of settings and service delivery systems essential to the production of specified recreation benefits and associated activity opportunities; and the individual, social, economic, and environmental benefits thereby realized.</p> <p>EXCEPTION -- An exception to this stipulation may be granted by the Authorized Officer wherever SRMA designation is revoked in subsequent RMP Amendments.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., if it can be determined that surface occupancy will not adversely impair the character of specified recreation settings and service delivery systems; their productive capacity for targeted benefits and associated activities; and individual, social, economic, and environmental benefits being realized, as targeted in approved RMPs.</p> <p>WAIVER -- None.</p>
NSO	CO-NSO-23 Recreation and Visitor Resources	<p>STIPULATION -- Prohibit surface occupancy or use within the boundaries of BLM developed recreation sites.</p> <p>PURPOSE -- To protect capital facility investments, protect recreational opportunities, maintain desirable recreation setting characteristics, and maintain the social and economic productivity of BLM recreation sites.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be revoked for recreation sites that are dismantled.</p> <p>WAIVER -- None.</p>
Cave and Karst		
NSO	CO-NSO-24 Karst (Cave) Resources	<p>STIPULATION -- Prohibit surface occupancy or use above recreationally significant karst (cave) resources and their associated surface and subterranean hydrologic features.</p> <p>PURPOSE -- To protect sensitive karst recreation-tourism attractions and associated recreation opportunities, and to maintain their social and economic productivity.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., if it can be determined that surface occupancy will not adversely impact karst</p>

Table B-8 BLM-Colorado No Surface Use (NSO) Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number/ Protected Resource	Stipulation Description
		geology and associated hydrologic features; and will not impair recreational opportunities and outcomes nor associated social and economic benefits to local communities. WAIVER -- None.
ACECs		
NSO	CO-NSO-25 ACECs, RNAs, and ONAs	<p>STIPULATION -- Prohibit surface occupancy or use within ACECs, RNAs, and ONAs.</p> <p>PURPOSE -- To protect and prevent irreparable damage to important historic, cultural, or scenic values; fish and wildlife resources; or to other natural systems or processes; or to protect human life and safety from natural hazards.</p> <p>EXCEPTION -- Exceptions to this restriction may be authorized in writing by the Authorized Officer. Proposed Actions may be allowed if environmental analysis reveals that the action would not adversely affect the values for which the ACEC was designated. If an exception is granted, special design, construction, and implementation measures, including relocation of operations by more than 656 feet (200 meters), and a TL of greater than 60 days, may be required.</p> <p>MODIFICATION -- Site-specific modifications to the NSO area may be granted by the Authorized Officer, pending determination that the relevant and important values for which the ACEC was designated would not be adversely impacted.</p> <p>WAIVER -- A waiver may be granted by the Authorized Officer if the area is no longer designated as an ACEC, RNA, or ONA.</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
	Soils	
CSU	CO-CSU-1 Soils	<p>STIPULATION -- Apply CSU restrictions to surface-disturbing activities within mapped Mancos shale and saline soils. For slopes between 25 percent and 40 percent, site conditions may warrant an engineering/reclamation plan in order to mitigate potential impacts to slope stability or soil productivity. (Examples of site conditions include poor vegetative cover, evidence of ravel, and/or extended slope lengths that directly reach a water body.) The Plan must be approved by the Authorized Officer, and must demonstrate how site productivity would be restored; surface runoff would be adequately controlled; off-site areas would be protected from accelerated erosion (such as drilling, gullying, piping, and mass wasting); surface-disturbing activities would not be conducted during extended wet periods; and construction would not be allowed when soils are frozen. Operations shall cease when 3-inches of saturated soils or rutting exists.</p> <p>PURPOSE -- To improve reclamation potential; maintain soil stability and productivity of sensitive areas; and minimize contributions of salinity, selenium, and sediments likely to affect downstream water quality, fisheries, and other downstream aquatic habitats.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
	Water	
CSU	CO-CSU-2 Municipal Watersheds and Public Water Supplies	<p>STIPULATION -- Oil and Gas operations located greater than 1,000 horizontal feet, but less than 2,300 horizontal feet, from a classified surface water supply stream segment (as measured from the average high-water mark of a water body) for a distance of 5 miles upstream of a public water supply intake with the classification "Water Supply" by the State of Colorado, shall require the following protective measures. The buffer may be extended beyond 2,300 horizontal feet if site specific conditions warrant it. This also applies to domestic wells and springs:</p> <ul style="list-style-type: none"> • pitless drilling systems; • flowback and stimulation fluids contained within tanks that are placed on a well pad or in an area with down-gradient berming; • use green fracturing fluids only; • berms or other containment devices shall be constructed in compliance with Rule 603.e.(12) around crude oil condensate and produced water storage tanks; • notification of potentially impacted public water systems 15 miles downstream; • use of evaporation ponds for means of disposing of produced water shall not be permitted on BLM-managed public lands or split-estate within the municipal watershed;

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<ul style="list-style-type: none"> collection of baseline water quality data (surface and/or groundwater) consisting of a pre-drilling sample collected within a 100 feet of well pad, or where sufficient water exists to collect a sample, in accordance with Environmental Protection Agency (EPA) or U.S. Geological Survey (USGS) collection methods. Additional sampling must be conducted during drilling operations and immediately following well completion. Each sample should analyze at a minimum: pH, alkalinity, specific conductance, major cations, major anions, total dissolved solids, BTEX/GRO/DRO, TPH, PAH's [including benzo(a) pyrene]; and metals (arsenic, barium, calcium, iron, magnesium, manganese, lead, and selenium). <p>For municipal watersheds, a coordinated water resources Monitoring Plan must be developed with the BLM and municipality. Each office will determine the sampling site, intensity, and need for groundwater sampling, depending upon site-specific geology and risk. Results must be submitted to the BLM within 3 months of data collection, in accordance with Section 317b of the Colorado Oil and Gas Conservation Commission regulations.</p> <p>Soils: NSOs are required for all fragile soils within this zone in order to minimize risk of mass wasting, sedimentation, and reduced reclamation costs; and NSO for slopes greater than 30 percent. Strict enforcement of Gold Book standards, U.S. Army Corps of Engineers 404 and State Stormwater Permit Regulations is necessary in order to protect drinking water.</p> <p>PURPOSE -- To protect public water supplies, water quality, aquatic habitat, and human health.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- No modifications to this stipulation shall be allowed for water resources. There shall be no waivers or modifications for fragile or unstable soils. If it can be demonstrated through stormwater controls and professional geotechnical engineering practices that sediment would remain on site, and reclamation occurs within 90 days, a waiver may be granted for situations where slopes exceed 30 percent, but are less than 40 percent.</p> <p>WAIVER -- No waivers to this stipulation shall be allowed.</p>
CSU	CO-CSU-3 Perennial Streams, Water Bodies, Fisheries, and Riparian Areas	<p>STIPULATION -- From 325 horizontal feet to 500 horizontal feet from the perennial water body, CSU restrictions will apply. Surface-disturbing activities may require special engineering design, construction, and implementation measures, including re-location of operations beyond 656 feet (200 meters), in order to protect water resources within the 325-foot NSO buffer. For perennial streams, the buffer will be measured from the ordinary high-water mark (bankfull stage). For wetland features, the buffer will be measured from the edge of the mapped extent (see Table 1). For unmapped wetlands, the vegetative boundary (from which the buffer originates) will be determined in the field.</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing												
Type	Stipulation Number Protected Resource	Stipulation Description										
		<table><tr><th colspan="2">Table 1 CSU Buffers for Perennial Waters</th></tr><tr><th>Water Body Type</th><th>Buffer Width in feet</th></tr><tr><td>Fens and wetlands</td><td>325 feet to 500 feet</td></tr><tr><td>Perennial streams (with or without fish)</td><td>325 feet to 500 (as measured from ordinary high water-mark)</td></tr><tr><td>Lotic or lentic springs and seeps</td><td>325 feet (as measured from wetland vegetation edge)</td></tr></table> <div><div>edge of buffer</div><div>perennial water source</div><div>*</div><div>Flow direction</div></div> <p>PURPOSE -- To maintain the PFC, including the vegetative, hydrologic, and geomorphic functionality of the perennial water body; to protect water quality, fish habitat, aquatic habitat; and to provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>	Table 1 CSU Buffers for Perennial Waters		Water Body Type	Buffer Width in feet	Fens and wetlands	325 feet to 500 feet	Perennial streams (with or without fish)	325 feet to 500 (as measured from ordinary high water-mark)	Lotic or lentic springs and seeps	325 feet (as measured from wetland vegetation edge)
Table 1 CSU Buffers for Perennial Waters												
Water Body Type	Buffer Width in feet											
Fens and wetlands	325 feet to 500 feet											
Perennial streams (with or without fish)	325 feet to 500 (as measured from ordinary high water-mark)											
Lotic or lentic springs and seeps	325 feet (as measured from wetland vegetation edge)											
CSU	CO-CSU-4 Intermittent and Ephemeral Streams	<p>STIPULATION -- This CSU shall apply from the edge of NSO buffer to 100 horizontal feet. Minimize locating roads, stream crossings and facilities within this zone (because activities within this area can potentially affect streams). Adequate professional design and engineering of activities in this zone is necessary in order to prevent stormwater runoff and sedimentation. Measurement is from the top of the stream bank; however, if wetland vegetation exists, then the measurement is from the vegetation's edge.</p> <p>PURPOSE -- To minimize the risk of sedimentation, spills, and other contaminants, reaching intermittent and/or ephemeral streams in order to protect water quality, stream function, and aquatic habitat.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>										
Special Status Species – Plants and Wildlife												

Table B-9
BLM-Colorado CSU Stipulations Applicable to
Oil and Gas Leasing

Type	Stipulation Number Protected Resource	Stipulation Description
CSU	CO-CSU-5 BLM-Sensitive Plant Species	<p>STIPULATION -- For plant species listed as Sensitive by the BLM, special design, construction, and implementation measures within a 328-foot (100-meter) buffer from the edge of occupied habitat may be required. In addition, relocation of operations by more than 656-feet (200 meters) may be required.</p> <p>PURPOSE -- To protect BLM Sensitive plant species from direct and indirect impacts, including loss of habitat. The protection buffer would reduce the risk of impacts resulting from dust transport, weed invasion, chemical and produced-water spills; and those effects on BLM Sensitive plant populations. It would also reduce impacts to important pollinators and their habitat.</p> <p>EXCEPTION -- Operations may be authorized if the Authorized Officer determines that the activity would not impair values associated with the maintenance or viability of the species.</p> <p>MODIFICATION -- The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the species has relocated; the occupied habitat has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the species, and would minimize or eliminate threats affecting the status of the species.</p> <p>WAIVER -- A waiver may be granted by the Authorized Officer if the species is no longer designated as BLM Sensitive, or if the site has been unoccupied by the species for a minimum period of 15 years.</p>
CSU	CO-CSU-6 Significant Plant Communities and Relict Vegetation	<p>STIPULATION -- For those plant communities that meet the BLM's criteria for significant plant communities, special design, construction, and implementation measures, including relocation of operations by more than 656 feet (200 meters), may be required. Habitat areas include occupied habitat and habitat necessary for the maintenance or viability of the species or communities.</p> <p>PURPOSE -- To conserve significant plant communities and relic communities (such as old growth forests and woodlands) that are not otherwise protected.</p> <p>EXCEPTION -- Standard exceptions apply. In addition, operations may be authorized if the Authorized Officer determines that the activity would not impair values associated with the maintenance or viability of the species or communities.</p> <p>MODIFICATION -- The Authorized Officer may modify (increase, decrease, or relocate) the area subject to the stipulation if it is determined that the plant community has shifted; the occupied habitat of the species or community has increased or decreased; or that the nature or conduct of the activity, as proposed or conditioned, would not impair values associated with the maintenance or viability of the species or community.</p> <p>WAIVER -- A waiver may be granted by the Authorized Officer if the species or community is no longer designated as significant or relict, or if the site has been unoccupied by the species or</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		community for a subsequent minimum period of 15 years.
CSU	CO-CSU-7 BLM-Sensitive Amphibians	<p>STIPULATION -- Apply CSU (site-specific relocation) restrictions within an 0.5-mile (800-meter) buffer around all known or identified breeding sites.</p> <p>PURPOSE -- To protect boreal toad, northern leopard frog, Great Basin spade-foot toad, northern cricket frog, plains leopard frog, and canyon tree frog breeding habitats and breeding activities; and to maintain the functionality of important breeding habitats and allow for breeding activities to occur uninterrupted.</p> <p>EXCEPTION -- Standard exceptions apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
CSU	CO-CSU-8 Mapped Seasonal Habitats (non-lek breeding, late brood rearing, and winter habitat) or Suitable Sagebrush Habitat Within a 4-mile Radius of a Lek	<p>STIPULATION -- Surface occupancy or use is subject to the following special operating constraints. The Field Manager may require the proponent/applicant to submit a Plan of Development that would demonstrate:</p> <ol style="list-style-type: none"> 1. avoidance of direct or indirect loss of important Gunnison Sage-grouse (GUSG) habitat necessary for maintenance of the local population OR reduce to acceptable levels the direct or indirect loss of important Greater Sage-grouse (GRSG) habitat necessary for sustainable local populations; 2. special reclamation measures or design features are incorporated that would accelerate recovery and/or re-establishment of affected sage-grouse habitat; 3. the current/future utility of such habitat for sage-grouse use would not be impaired. <p>Additional conservation measures may be imposed, as necessary, in order to maintain high quality sage-grouse habitat; reduce fragmentation or loss of habitat within, or between, population areas; reduce cumulative impacts within population areas; and reduce disturbance to sage-grouse use in the area. Conservation measures may be identified in State or local conservation plans, or through appropriate science or research for the species.</p> <p>PURPOSE -- To maintain the integrity of important occupied sage-grouse habitat in order to maintain sustainable local populations. EXCEPTION -- The Field Manager, in coordination with the CDOW, may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long-term suitability or utility of habitat for sage-grouse.</p> <p>MODIFICATION -- Incorporated into CSU language.</p> <p>WAIVER -- The Field Manager, in coordination with the CDOW, may grant a waiver to this stipulation if site conditions have changed sufficient to permanently preclude sage-grouse occupation of the lease area.</p>
CSU	CO-CSU-9 Black-tailed, White-tailed and Gunnison	<p>STIPULATION -- Development of lease parcels that include current or historically occupied prairie dog towns, as mapped by the CDOW or by the BLM, would require 1 or more of the following</p>

Table B-9
BLM-Colorado CSU Stipulations Applicable to
Oil and Gas Leasing

Type	Stipulation Number Protected Resource	Stipulation Description
	Prairie Dog Town Complexes	<p>conservation measures prior to, and during, lease development.</p> <ul style="list-style-type: none"> • Development of a Surface Use Plan of operations with the BLM that integrates and coordinates long-term lease development with measures necessary in order to minimize adverse impacts to prairie dog populations or their habitat. • Abide by special daily and seasonal activity restrictions on construction, drilling, product transport, and service activities during reproductive period (from March 1 to June 15). • Incorporate special modifications to facility siting, design, construction, and operation in order to minimize involvement of prairie dog burrow systems. • Provide in-kind compensation for habitat loss and/or displacement (such as special on-site prairie dog habitat enhancement), when appropriate. <p>PURPOSE -- To maintain the integrity and extent of prairie dog complexes.</p> <p>EXCEPTION -- The Field Manager may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long-term suitability or utility of habitat for prairie dogs. Surface disturbance and occupation may also be authorized in the event that established impacts to habitat values would be compensated or offset to the satisfaction of the BLM.</p> <p>MODIFICATION -- Incorporated into CSU language.</p> <p>WAIVER -- The Field Manager may grant a waiver to this stipulation if site conditions have changed sufficient to preclude prairie dog occupation of the stipulation area.</p>
CSU	CO-CSU-10 Established Lynx Linkage Corridors and Lynx Habitat within LAUs	<p>STIPULATION -- Development of lease parcels within established Lynx Linkage Corridors and mapped LAUs would require appropriate application of the following conservation measures prior to, and during, lease development, as determined through Section 7 Consultation with the USFWS:</p> <ul style="list-style-type: none"> • Restrict newly constructed road use to activities associated directly with development and construction activities. • Reduce the influence of snow compaction and removal activities as travel corridors for competitive predators. Use of over-the-snow vehicles would be prohibited for use in LAU lynx habitat (such as on site reconnaissance, resource surveys). • Surface use or disrupting activities would not be allowed in LAU denning habitat during the denning period, from March 15 to July 15. • Development or production facilities sited would be in order to avoid primary lynx habitat. Oil and gas development activities on BLM-managed surface lands would not be allowed to contribute disproportionately to management thresholds applied to lynx habitat (no more than 30 percent of mapped habitat within a LAU in unsuitable condition, and less than 15 percent of habitat within an LAU converted to unsuitable condition within a 10-year

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>period); also, maintenance of greater than 10 percent of habitat suitable for denning within an LAU).</p> <p>PURPOSE -- To maintain integrity and use of lynx habitat per Lynx Conservation Assessment Strategy (LCAS) guidelines.</p> <p>EXCEPTION -- The Field Manager, in consultation with the USFWS, may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long-term suitability or utility of established Lynx Linkage Corridors or lynx habitat within LAU(s).</p> <p>MODIFICATION -- The Field Manager, in consultation with the USFWS, may modify the size of the stipulation area or timeframes if an environmental analysis indicates that a portion of the area is non-essential to the function and utility of established Lynx Linkage Corridors and lynx habitat, or that the proposed action could be conditioned so as not to impair the utility of the corridors and LAU for current, or subsequent, lynx use and occupancy.</p> <p>WAIVER -- The Field Manager, in consultation with the USFWS, may grant a waiver to this stipulation if site conditions have changed sufficient to preclude lynx occupation of the LAU or use of linkage corridors.</p>
CSU	CO-CSU-11 Bald Eagle Habitat – Cottonwood Communities	<p>STIPULATION -- Surface occupancy or use is subject to the following special operating constraints: The Field Manager may require the proponent/applicant to submit a Plan of Development that would demonstrate that:</p> <ol style="list-style-type: none"> 1) involvement of cottonwood stands or cottonwood regeneration areas have been avoided to the extent practicable; 2) special reclamation measures or design features are incorporated that would accelerate recovery and/or re-establishment of affected cottonwood communities; 3) the pre-development potential of affected floodplains to develop or support riverine cottonwood communities has not been diminished; and 4) the current/future utility of such cottonwood substrate for bald eagle use would not be impaired. <p>PURPOSE -- To maintain long-term availability of suitable bald eagle habitat.</p> <p>EXCEPTION -- The Field Manager may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long-term suitability or utility of habitat features or diminish opportunities for natural floodplain functions. Surface disturbance and occupation may also be authorized in the event that established impacts to habitat values would be compensated or offset to the satisfaction of the BLM.</p> <p>MODIFICATION -- Incorporated into CSU language.</p> <p>WAIVER -- The Field Manager may grant a waiver to this stipulation if cottonwood communities no longer exist in the lease area.</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
CSU	CO-CSU-12 Mexican Spotted Owl Suitable Breeding Habitat	<p>STIPULATION -- Surface occupancy or use is subject to the following special operating constraints: The Field Manager may require the proponent/applicant to submit a Plan of Development that would demonstrate that:</p> <p>1) impacts to Mexican spotted owl habitat have been avoided to the extent practicable. Constituent elements for MSO breeding habitat include:</p> <ul style="list-style-type: none"> • high basal area of large diameter trees; • moderate to high canopy closure; • wide range of tree sizes suggestive of uneven-age stands; • multi-layered canopy with large overstory trees of various species; • high snag basal area; • high volumes of fallen trees and other woody debris; • high plant species richness; and/or • adequate levels of residual plant cover to maintain fruits, seeds, and regeneration in order to provide for the needs of Mexican spotted owl prey species. <p>For canyon habitat, the primary constituent elements include the following attributes:</p> <ul style="list-style-type: none"> • cooler and often more humid conditions than the surrounding area; • clumps or stringers of trees and/or canyon wall containing crevices, ledges, or caves; • high percent of ground litter and woody debris; and/or • riparian or woody vegetation (although not at all sites). <p>2) special reclamation measures or design features are incorporated that would accelerate recovery and/or the re-establishment of affected Mexican spotted owl habitat;</p> <p>3) the current/future utility of such habitat for Mexican spotted owl use would not be impaired.</p> <p>PURPOSE -- To maintain the availability of suitable breeding and brood rearing habitat, as defined in the MSO Recovery Plan, in order to promote recovery.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action, and subsequent consultation, indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current, or subsequent, reproductive activity or occupancy.</p> <p>MODIFICATION -- Incorporated into CSU language.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
Cultural Resources		
CSU	CO-CSU-13	STIPULATION -- This lease may be found to contain historic

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
	Cultural Resources	<p>properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act (AIRFA), Native American Graves Protection and Repatriation Act (NAGPRA), Executive Order (EO) 13007; or laws, rules, regulations, policies, standards, and guidelines. The BLM will not approve any ground-disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals in order to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized, or mitigated.</p> <p>PURPOSE -- To protect cultural resource sites that may be damaged from inadvertent, unauthorized, or authorized uses. The following characteristics are to be protected: 1) significant scientific information; 2) areas that contain dense concentrations of significant sites; 3) integrity of physical setting; 4) integrity of visual setting associated with a place and/or cultural landscape; and 5) recreational opportunity for public use sites.</p> <p>Typically, mitigation using data recovery is not an option for traditional cultural properties, sites set aside for long-term conservation, and interpreted and/or public use sites.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>
Paleontology		
CSU	CO-CSU-14 Paleontological (Fossil) Resources	<p>STIPULATION -- The lessee is hereby notified that prior to any surface-disturbing activities an inventory of paleontological resources (fossils) in "Potential Fossil Yield Classification" (PFYC) Class 4 and Class 5 Areas shall be done. Mitigation of scientifically important paleontological resources may include avoidance, monitoring, collection, excavation, or sampling. Mitigation of discovered scientifically important paleontological resources might require the relocation of disturbance over 100 meters. This, and any subsequent, mitigation work shall be conducted by a BLM-permitted Paleontologist. The lessee shall bear all costs for inventory and mitigation (WO IM-2009-011).</p> <p>PURPOSE -- To protect scientific information that may be damaged from inadvertent or authorized uses.</p> <p>EXCEPTION -- None.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>
Visual Resources		
CSU	CO-CSU-15 VRM Objective Class Areas	<p>STIPULATION -- Oil and gas development and operations, and post-operation rehabilitation, must comply with VRM contrast limits by ensuring that project design does not exceed the following contrast ratings by VRM Objective Classes in approved RMPs:</p> <ul style="list-style-type: none"> • Class II: weak/low • Class III: moderate

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<ul style="list-style-type: none"> • Class IV: strong/high <p>PURPOSE -- To maintain scenic quality in accordance with documented public sensitivity to visual aesthetics and visibility.</p> <p>EXCEPTION -- If VRM objective classes are downgraded by the Authorized Officer, the new VRM objective class stipulations would apply instead.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>
CSU	CO-CSU-16 Backcountry and Scenic Byway Viewsheds	<p>STIPULATION -- Surface occupancy is restricted within viewsheds of designated back country, Scenic and Historic Byways, at foreground and middleground distances (within 5 miles), unless topographically screened from view.</p> <p>PURPOSE -- To protect scenic integrity of Colorado's Scenic and Historic Byways and their social and economic significance to nearby communities, and to Colorado's Statewide economy.</p> <p>EXCEPTION -- An exception to this stipulation may be granted by the Authorized Officer wherever Byway designation is revoked by the Governor's Scenic and Historic Byway Commission.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the restriction for middleground distances only during other than peak recreation-tourism seasons (dates) for each Byway, conditioned by a determination of no significant adverse effect to benefiting communities and economies.</p> <p>WAIVER -- None.</p>
CSU	CO-CSU-17 State and US Highway Viewsheds	<p>STIPULATION -- Restrict the siting of oil and gas development and operations from all locations and all VRM objective classes at locations where they would otherwise be sky-lined above the horizon, as viewed from all State and U.S. Highways.</p> <p>PURPOSE -- To protect Colorado's scenic horizons and their social and economic significance to nearby communities, and to Colorado's statewide economy.</p> <p>EXCEPTION -- For landscapes that are currently visually compromised, there may be an exception at the discretion of the Authorized Officer.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by adjusting the CSU where viewsheds in which oil and gas development and operations occur are not a scenic focal point, are visible for only a short travel distance, and lie in a background distance zone.</p> <p>WAIVER -- None.</p>
CSU	CO-CSU-18 Rehabilitation Within State and U.S. Highway and Interstate Viewsheds	<p>STIPULATION -- Rehabilitate all post-exploration and development within the foreground distance zone viewshed of all State, U.S., and Interstate Highways in order to replicate the original landscape contour and vegetation.</p> <p>PURPOSE -- To protect the scenic quality of Colorado's major travel thoroughfares and their significant contributions to nearby communities, and to Colorado's Statewide economy.</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>EXCEPTION -- None.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by adjusting the CSU where viewsheds in which oil and gas development and operations occur are not a scenic focal point, are visible for only a short travel distance, and lie in a background distance zone.</p> <p>WAIVER -- None.</p>
CSU	CO-CSU-19 SRMAs	<p>STIPULATION -- Surface occupancy or use is restricted within SRMAs where the Authorized Officer identifies and documents, through the environmental analysis and planning process, specific recreation-tourism visitors and/or community customer markets to be served, and specifies setting character and service delivery system conditions essential to the achievement of specifically targeted recreation benefits and associated recreational activities.</p> <p>PURPOSE -- To protect major BLM recreation investments within SRMAs; the distinctive character of settings and service delivery systems essential to production of specified recreation benefits and associated activity opportunities; and the individual, social, economic, and environmental benefits thereby realized.</p> <p>EXCEPTION -- An exception to this stipulation may be granted by the Authorized Officer wherever SRMA designation is revoked in subsequent RMP Amendments.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., if it can be determined that surface occupancy will not adversely impair the character of specified recreation settings and service delivery systems; their productive capacity for targeted benefits and associated activities; and individual, social, economic, and environmental benefits being realized, as targeted in Approved RMPs.</p> <p>WAIVER -- None.</p>
CSU	CO-CSU-20 Key Observation Points	<p>STIPULATION -- Restrict surface occupancy or use within foreground-middleground distance zones of KOPs within any National Park or State Park.</p> <p>PURPOSE -- To protect scenic integrity of Colorado's State and National Parks and their social and economic significance to nearby communities, and to Colorado's Statewide economy.</p> <p>EXCEPTION -- Unless topographically screened from view.</p> <p>MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the restriction for foreground-middleground distances only during other than peak recreation-tourism seasons (dates), on a Park-specific basis, for landscapes visible from KOPs whose visual quality is already compromised by other developments within this specific distance zone. This stipulation may be further modified for Parks that have already issued oil and gas leases within their boundaries. All modifications are conditioned further by a determination of no significant adverse effect to benefitting</p>

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		communities and economies. WAIVER -- None.
CSU	CO-CSU-21 River Foreground and Middleground	STIPULATION -- Restrict surface occupancy or use within foreground and middleground distances of rivers that support commercially outfitted, rehabilitative sports, or other socially or economically significant recreational boating or angling. PURPOSE -- To protect scenic integrity of Colorado's State and National Parks, their recreation and tourism productivity, and their social and economic significance to nearby communities, and to Colorado's statewide economy. EXCEPTION - Unless topographically screened from view. MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the CSU for middleground distances only during other than peak recreation-tourism seasons (dates) for each river, conditioned by a determination of no significant adverse effect to commercial and disabled sports operations. WAIVER -- None.
CSU	CO-CSU-22 BLM Public Lands Near Residential Developments	STIPULATION -- Exclude oil and gas development and operations within foreground and middleground distances of BLM-managed public lands adjoining significant residential developments, communities, and municipalities. PURPOSE -- To protect significant social and economic productivity of adjoining natural resource settings and their contribution to affected open space aesthetics (sight and sound) of adjoining public lands, property values, and associated investments. EXCEPTION -- Unless topographically screened from view. MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., by removing the CSU for landscapes whose visual quality is already compromised by other developments, and conditioned by a determination of no significant adverse affect to benefitting communities and economies, and the visiting guests they jointly share with the BLM. WAIVER -- None.
Wilderness Characteristics		
CSU	CO-CSU-23 Lands With Wilderness Characteristics	STIPULATION -- Restrict surface occupancy or use wherever wilderness characteristics have been identified outside of identified of WSAs, as necessary, in order to maintain those wilderness characteristics. PURPOSE -- To maintain identified wilderness characteristics and their consequent recreational, social, economic, and environmental significance (locally, regionally, and nationally). EXCEPTION -- These restrictions may be modified if guidance pertaining to the identification and management of lands with wilderness characteristics is either changed or revoked. MODIFICATION -- Subject to U.S. Department of the Interior (DOI) and BLM guidelines, including the BLM Director's approval, the

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		Authorized Officer may choose to allow impairment of wilderness characteristics. WAIVER -- None.
	Recreation and Visitor Services	
CSU	CO-CSU-24 Developed Recreation Sites	STIPULATION -- Surface occupancy is restricted within one-half mile of the boundaries of BLM developed recreation sites, except where sights and sounds may be topographically screened. PURPOSE -- To protect capital facility investments, protect recreational opportunities, maintain desirable recreation setting characteristics, and maintain the social and economic productivity of BLM recreation sites. EXCEPTION -- None. MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified for specific areas, projects, etc., if it can be determined that surface occupancy will not adversely impair visitor experiences and associated individual benefits to recreation site visitors and related social, and economic benefits to local communities and the guests they jointly share with the BLM. WAIVER -- None.
CSU	CO-CSU-25 Recreation Travel Routes and Corridors	STIPULATION -- Restrict surface occupancy or use to existing travel routes and corridors, and avoid upgrading them. PURPOSE -- To avoid creating new travel routes and corridors by restricting access to existing travel routes. EXCEPTION -- None. MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified by allowing, on a case-by-case basis: 1) access route improvements to existing routes for surface occupancy where existing routes provide insufficient access; and/or 2) new access route construction where upgrades to existing routes would prevent the achievement of recreation management objectives or setting character specifications outlined in Approved RMPs. WAIVER -- None.
CSU	CO-CSU-26 Recreation Access Zones	STIPULATION -- Surface occupancy or use is restricted from immediate day-use recreation-tourism access zones of BLM-managed public lands adjoining significant residential developments, communities, and associated municipalities. PURPOSE -- To maintain the desirable open space character of these extraordinarily high-value public lands, their productive recreational capacity for day-use of local communities, and the guests they share with the BLM; and the consequent flow of social and economic benefits to those communities. EXCEPTION -- None. MODIFICATION -- At the discretion of the Authorized Officer, this stipulation may be modified by removing the CSU for landscapes whose recreation setting characteristics are already compromised by other developments, and conditioned by a determination of no significant adverse affect to benefitting communities, economies, and the visiting guests they jointly share with the BLM.

Table B-9 BLM-Colorado CSU Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		WAIVER -- None.
	Coal	
CSU	CO-CSU-27 Coal Resources	<p>STIPULATION -- Apply CSU (site-specific relocation) restrictions to oil and gas operations within the area of federally leased coal. Relocate oil and gas operations outside the area to be mined or located in order to accommodate room-and-pillar mining operations.</p> <p>PURPOSE -- To protect coal resources.</p> <p>EXCEPTION -- Standard exceptions apply. No additional specific exception criteria apply.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply. In addition, this stipulation may be waived without a RMP Amendment if the lessee agrees that the drilling of a well will be subject to the following conditions: 1)(a) well must be plugged when the mine is within 500 feet of the well and re-entered or re-drilled upon completion of the mining operation; (b) well must be plugged in accordance with Mine Safety and Health Administration (formerly Mine Enforcement and Safety Administration) Informational Report 1052; (c) Operator will provide accurate location of where the casing intercepts the coal by providing a directional and deviation survey of the well to the coal operator; or 2) Operator will relocate the well into a permanent pillar or outside the area to be mined. A suspension of operations and production will be considered when the well is plugged and a new well is to be drilled after mining operations move through the location.</p>
	Wild and Scenic Rivers	
CSU	CO-CSU-28 Wild and Scenic River Segments	<p>STIPULATION -- Restrict surface occupancy or use within one-quarter mile of all rivers that are eligible or suitable for WSR designation.</p> <p>PURPOSE -- To preserve their outstandingly remarkable values (ORVs), free-flowing nature, and water quality; and their consequent recreational, social, economic, and environmental significance (locally, regionally, and nationally).</p> <p>EXCEPTION -- An exception to this stipulation may be granted by the Authorized Officer for specific river segments if, and when, the Congress has relinquished protective measures that now apply.</p> <p>MODIFICATION -- None.</p> <p>WAIVER -- None.</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
	Fish and Wildlife	
TL	CO-TL-1 Native Fish and Important Sport Fish	<p>STIPULATION -- Prohibit in-channel work in all occupied cutthroat trout (Colorado River, greenback, and Rio Grande) streams during spring spawning periods of April 1 to August 1, and fall spawning periods from October 1 to November 30.</p> <p>PURPOSE -- To protect redds (egg masses) in the gravel and emerging fry of native fish populations (Colorado River, greenback, and Rio Grande cutthroat trout, flannelmouth and bluehead sucker, and roundtail chub), and important sport fish populations (rainbow, brown, and brook trout).</p> <p>EXCEPTION -- Standard exceptions apply. In addition, the dates may be modified by the U.S. Army Corps of Engineers (UASCE) via the 404 Permit compliance process.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
TL	CO-TL-2 Big Game Production Areas: Antelope, Rocky Mountain Bighorn Sheep, Mule deer, White-tailed deer, Elk, Moose	<p>STIPULATION -- No surface use is allowed during the following time period(s) in mapped big game production areas. (This stipulation does not apply to operation and maintenance of production facilities.)</p> <ul style="list-style-type: none"> • Antelope: April 15 to June 30 • Rocky Mountain Bighorn sheep: April 15 to June 30 • Mule deer/White-tailed deer: April 15 to June 30 • Elk: April 15 to June 30 • Moose: April 15 to June 30 <p>PURPOSE -- To reduce behavioral disruption during parturition and early young rearing period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis indicates that the Proposed Action can be conditioned so as not to interfere with habitat function or compromise animal condition within the project vicinity. An exception may also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset anticipated impacts to big game production or habitat condition; or an agreement can be reached whereby a Colorado Oil and Gas Conservation Commission (COGCC) wildlife mitigation plan can be accommodated, consistent with established RMP objectives and decisions. An exception may also be granted for actions intended to enhance the long-term utility for availability of suitable habitat.</p> <p>MODIFICATION -- The Field Manager may modify the size and timeframes of this stipulation if the CDOW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation. Modifications could be authorized if the Proposed Action could be conditioned so as not to interfere with critical habitat function or compromise animal condition. A modification may also be approved if the proponent,</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>the BLM, and the CDOW agree to compensation that satisfactorily offset detrimental impacts to big game production or habitat condition; or an agreement can be reached where by a COGCC wildlife mitigation plan can be accommodated consistent with established RMP objectives and decisions.</p> <p>WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the area is no longer utilized by big game for production purposes.</p>
TL	CO-TL-3 Big Game Crucial Winter Range (Severe Winter Range and Winter Concentration Areas)	<p>STIPULATION -- No surface use is allowed during the following time period(s) in mapped crucial winter habitat. (This stipulation does not apply to operation and maintenance of production facilities.)</p> <ul style="list-style-type: none"> • Antelope: Dec. 1 to April 30 • Rocky Mountain/Desert Bighorn sheep: Nov. 1 to April 30 • Mule deer/White-tailed deer: Dec. 1 to April 30 • Elk: Dec. 1 to April 30 • Moose: Dec. 1 to April 30 <p>PURPOSE -- To reduce behavioral disruption of big game during the winter season on crucial winter habitat, as mapped by the CDOW.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis indicates that the Proposed Action can be conditioned so as not to interfere with habitat function or compromise animal condition within the project vicinity. An exception may also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset anticipated impacts to big game production or habitat condition; or an agreement can be reached where by a COGCC wildlife mitigation plan can be accommodated consistent with established RMP objectives and decisions. An exception may also be granted for actions intended to enhance the long-term utility for availability of suitable habitat.</p> <p>MODIFICATION -- The Field Manager may modify the size and timeframes of this stipulation if the CDOW monitoring information indicates that current animal use patterns are inconsistent with dates established for animal occupation, or under mild winter conditions for the last 60 days of the closure. Severity of the winter will be determined on the basis of snow depth, snow crusting, daily mean temperatures, and whether animals were concentrated on the winter range during the winter months. Modifications could be authorized if the Proposed Action could be conditioned so as not to interfere with critical habitat function or compromise animal condition. A modification may also be approved if the proponent, the BLM, and the CDOW agree to compensation that satisfactorily offset detrimental impacts to big game winter range or its use; or an agreement can be reached where by a COGCC wildlife mitigation plan can be accommodated consistent with established</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		RMP objectives and decisions. WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the area is no longer utilized by big game as crucial winter range.
TL	CO-TL-4 Shorebirds, Waterbirds and Waterfowl Nesting Habitat	STIPULATION -- No surface use is allowed during the following time period. (This stipulation does not apply to operation and maintenance of production facilities.) <ul style="list-style-type: none"> March 1 to July 31, in areas designated for waterfowl, shorebird, and waterbird production by Field Offices. PURPOSE -- To prevent disruption of nesting activity. EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current, or subsequent, nesting activity or occupancy. MODIFICATION -- The Field Manager may modify the stipulation dates, or stipulation area, if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest habitat for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, the CDOW, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to breeding activities and/or habitats. WAIVER -- A waiver may be granted if habitat conditions are permanently incapable of supporting production activities.
TL	CO-TL-5 Raptor- Osprey, Red-tailed Hawk, Swainson's Hawk, Cooper's Hawk, Sharp-shinned Hawk, Northern Harrier, Burrowing Owl, Great horned Owl, and all Owls & Raptors with Exception of American Kestrel	STIPULATION -- No surface use is allowed during the following time period(s), or until fledgling and dispersal of young within a 0.25-mile radius of active nests. <ul style="list-style-type: none"> Osprey: April 1 to Aug. 31 Red-tailed Hawk: Feb. 15 to Aug. 15 Swainson's Hawk: April 1 to Aug. 15 Cooper's Hawk: April 1 to Aug. 15 Sharp-shinned Hawk: April 1 to Aug. 15 Northern Harrier: April 1 to Aug. 15 Burrowing Owls: March 15 to Aug. 15 Great horned Owl: Feb. 1 to Aug. 15 Other owls and raptors: March 1 to Aug. 15 PURPOSE -- To protect reproductive activity at nest sites. EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current, or subsequent, nesting activity or occupancy. The Field Manager may also grant an exception if the nest is unattended, or remains unoccupied, by May 15 of the project year. An exception may be granted to these dates by the Field Manager, consistent with policies derived from Federal

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>administration of the MBTA..</p> <p>MODIFICATION -- The Field Manager may modify the stipulation dates or buffer distances if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, the CDOW, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 5 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
TL	CO-TL-6 Wild Turkey Winter Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s):</p> <ul style="list-style-type: none"> • Wild Turkey: December 1 to April 1, mapped turkey winter habitat <p>PURPOSE -- To prevent disruption of Wild Turkey during the winter period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the CDOW, indicate that the Proposed Action could be conditioned so as not adversely affect winter distribution and survival. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated loss of winter habitat or overwintering activities. Actions designed to enhance the long-term utility or availability of suitable winter habitat may be excepted.</p> <p>MODIFICATION -- The Field Manager may modify the size of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to adversely affect winter distribution or survival.</p> <p>WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the described lands are incapable of serving the long-term requirements of wild turkey winter habitat, and that these ranges no longer warrant consideration as components of wild turkey winter habitat.</p>
Special Status Species - Wildlife		
TL	CO-TL-7	STIPULATION -- No surface use is allowed during the following

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
	Sage Grouse Nesting Habitat	<p>time period(s). (This stipulation is intended to apply to construction, drilling, fracing and completion activities; however, it may also apply to operation, maintenance, and production activities that may disrupt reproductive activities of sage-grouse.)</p> <ul style="list-style-type: none"> • Greater Sage-grouse: March 1 to July 15, suitable nesting habitat within a 4-mile radius of active leks or mapped nesting habitat • Gunnison Sage-grouse: March 1 to June 30, suitable nesting habitat within 4 mile radius of active leks or mapped nesting habitat <p>PURPOSE -- To prevent disruption of reproductive activity during the production period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the DCOW, indicate that the Proposed Action could be conditioned so as not to affect breeding behavior, nest attendance, egg/chick survival, or nesting success. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated loss of nesting habitat or nesting activities. Actions designed to enhance the long-term utility or availability of suitable nest habitat may be excepted.</p> <p>MODIFICATION -- The Field Manager may modify the size or the dates of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect nest attendance, egg/chick survival, or nesting success. Seasonal or daily timeframes may be modified (from March 1 to May 15) if operations could be conditioned to not disrupt lek attendance, breeding behavior, and bird distribution within a 0.6-mile radius of the lek during the breeding period. With the primary objective of allowing for 90 percent of initial nesting attempts to progress through hatch, timeframes may also be adjusted in nesting habitat, as supported by appropriate monitoring data.</p> <p>WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the described lands are incapable of serving the long-term requirements of sage-grouse nesting habitat, and that these ranges no longer warrant consideration as components of sage-grouse nesting habitat.</p>
TL	CO-TL-8 Sage Grouse Winter Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s) in mapped important Sage-grouse winter range, as defined by the BLM and by the CDOW, during the planning process:</p> <ul style="list-style-type: none"> • Greater Sage-grouse: Dec. 1 to March 15 • Gunnison Sage-grouse: Dec. 1 to March 15 <p>PURPOSE -- To prevent disruption of sage-grouse during the winter period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the CDOW, indicate</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>that the Proposed Action could be conditioned so as not adversely affect winter distribution and survival. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated losses of winter habitat or overwintering activities. Actions designed to enhance the long-term utility or availability of suitable winter habitat may be excepted.</p> <p>MODIFICATION -- The Field Manager may modify the size of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to adversely affect winter distribution or survival.</p> <p>WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the described lands are incapable of serving the long-term requirements of sage-grouse winter habitat, and that these ranges no longer warrant consideration as components of sage-grouse winter habitat.</p>
TL	CO-TL-9 Plains and Columbian Sharp-tailed Grouse Nesting Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s):</p> <ul style="list-style-type: none"> • Plains Sharp-tailed grouse: March 1 to June 30, suitable nesting habitat within a 1.25-mile radius of active leks or mapped nesting habitat • Columbian Sharp-tailed grouse: March 15 to July 30, suitable nesting habitat within a 1.25- mile radius of active leks or mapped nesting habitat <p>PURPOSE -- To prevent disruption of reproductive activity during the production period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the CDOW, indicate that the Proposed Action could be conditioned so as not to affect breeding behavior, nest attendance, egg/chick survival, or nesting success. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated loss of nesting habitat or nesting activities. Actions designed to enhance the long-term utility or availability of suitable nest habitat may be excepted.</p> <p>MODIFICATION -- The Field Manager may modify the size of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect nest attendance, egg/chick survival, or nesting success. Seasonal or daily timeframes may be modified (March 1 to May 15) if operations could be conditioned to not disrupt lek attendance, breeding behavior (through nest initiation), and bird distribution within a 0.4-mile radius of the lek during the breeding period. With the primary objective of allowing for 90 percent of initial nesting attempts to progress through hatch, timeframes may also be adjusted in nesting habitat, as supported by appropriate monitoring data.</p> <p>WAIVER -- This stipulation may be waived if the CDOW</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		determines that the described lands are incapable of serving the long-term requirements of sage-grouse nesting habitat, and that these ranges no longer warrant consideration as components of Sharp-tailed grouse nesting habitat.
TL	CO-TL-10 Columbian Sharp-tailed Grouse Winter Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s), in mapped important Columbian Sharp-tailed grouse winter range, as defined by the BLM and by the CDOW during the planning process:</p> <ul style="list-style-type: none"> • Columbian Sharp-tailed grouse: Dec. 1 to March 15 <p>PURPOSE -- To prevent disruption of Columbian Sharp-tailed grouse during the winter period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the CDOW, indicate that the Proposed Action could be conditioned so as not adversely affect winter distribution and survival. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated loss of winter habitat or overwintering activities. Actions designed to enhance the long-term utility or availability of suitable winter habitat may be excepted.</p> <p>MODIFICATION -- The Field Manager may modify the size of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to adversely affect winter distribution or survival.</p> <p>WAIVER -- The Field Manager may grant a waiver if the CDOW determines that the described lands are incapable of serving the long-term requirements of Columbian sharp-tailed grouse winter habitat, and that these ranges no longer warrant consideration as components of Columbian sharp-tailed grouse winter habitat.</p>
TL	CO-TL-11 Bald Eagle and Golden Eagle Nest Sites	<p>STIPULATION -- No surface use is allowed within the area described below during the following time period, or until fledgling and dispersal of young:</p> <ul style="list-style-type: none"> • Bald Eagle: Nov. 15 to July 31, a 0.5-mile radius around active nests • Golden Eagle: Dec. 15 to July 15, a 0.5-mile radius around active nests <p>PURPOSE -- To protect reproductive activity at nest sites.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current, or subsequent, nesting activity or occupancy. The Field Manager may also grant an exception if the nest is unattended, or remains unoccupied, by May 15 of the project year.</p> <p>MODIFICATION -- The Field Manager may modify the stipulation dates or buffer distances if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function;</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, the USFWS, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A modification may also be granted if the nest has remained unoccupied for a minimum of 5 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
TL	CO-TL-12 Bald Eagle Winter Roost Sites	<p>STIPULATION -- No surface use is allowed within the area described below during the following time period(s):</p> <ul style="list-style-type: none"> • Nov 15 to March 15, within 0.5 miles of an active winter roost <p>PURPOSE -- To prevent disruption of wintering bald eagles at communal roosts.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of the roost site.</p> <p>MODIFICATION -- The Field Manager may modify the size of the stipulation area or TLs if an environmental analysis indicates that a portion of the area is non-essential to roost site function and utility; or that the Proposed Action could be conditioned so as not to impair the utility of the roost site for current, or subsequent, roosting activities or occupancy. A modification may be granted if the site has failed to support roosting activities over a minimum 5-year period, or if the site conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if the site conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
TL	CO-TL-13 Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, & Northern Goshawk Nest Sites	<p>STIPULATION -- No surface use is allowed within the area described below during the following time period(s), or until fledgling and dispersal of young:</p> <ul style="list-style-type: none"> • Ferruginous Hawk: Feb. 1 to Aug. 15, within 0.5 mile of active nest sites • Peregrine and Prairie Falcon: March 15 to July 31, within 0.5 mile of active nest sites • Northern Goshawk: March 1 to August 31, within 0.5 mile of

Table B-10
BLM-Colorado TL Stipulations Applicable to
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Type	Stipulation Number Protected Resource	Stipulation Description
		<p>active nest sites</p> <p>PURPOSE -- To protect reproductive activity at nest sites.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of nest for current, or subsequent, nesting activity or occupancy. The Field Manager may also grant an exception if the nest is unattended, or remains unoccupied, by May 15 of the project year. An exception may be granted to these dates by the Field Manager, consistent with policies derived from Federal administration of the MBTA.</p> <p>MODIFICATION -- The Field Manager may modify the stipulation dates or buffer distances if an environmental analysis indicates that a portion of the area is non-essential to nest utility or function; or that the Proposed Action could be conditioned so as not to impair the utility of the nest site for current, or subsequent, nest activities or occupation. The stipulation may also be modified if the proponent, the BLM, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to raptor breeding activities and/or habitats. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective. A modification may be granted if the nest has remained unoccupied for a minimum of 3 years, or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.</p> <p>WAIVER -- The Field Manager may grant a waiver if conditions have changed such that there is no reasonable likelihood of site occupation within the lease area.</p>
TL	CO-TL-14 Mexican Spotted Owl Suitable Breeding Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s) in suitable Mexican Spotted Owl (MSO) breeding habitat:</p> <ul style="list-style-type: none"> • March 1 to August 31 <p>PURPOSE -- To maintain the utility of suitable breeding and brood rearing habitat, as defined in the MSO Recovery Plan, in order to promote recovery.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action, and subsequent consultation, indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of suitable habitat for current, or subsequent, reproductive activity or occupancy.</p> <p>MODIFICATION -- The Field Manager may modify the dates based upon new information, which would be completed in coordination with the USFWS. The Field Manager may modify this stipulation if the Proposed Action could be conditioned so as not to</p>

Table B-10 BLM-Colorado TL Stipulations Applicable to Oil and Gas Leasing		
Type	Stipulation Number Protected Resource	Stipulation Description
		<p>impair the utility of suitable habitat for current, or subsequent, reproductive activities or occupation. Modifications could also occur if sufficient information is provided that supports the contention that the action would not contribute to the suppression of breeding population densities, or to the population's production or recruitment regime from a regional perspective.</p> <p>WAIVER -- The Field Manager may grant a waiver if suitable habitat conditions have changed such that there is no reasonable likelihood of occupation.</p>
TL	CO-TL-15 Mountain Plover Nesting Habitat	<p>STIPULATION -- No surface use is allowed during the following time period(s). (This stipulation does not apply to operation and maintenance of production facilities.)</p> <ul style="list-style-type: none"> Mountain Plover: April 10 to July 31, in suitable nesting habitat, as mapped by the BLM or by the CDOW <p>PURPOSE -- To prevent disruption of reproductive activity during the production period.</p> <p>EXCEPTION -- The Field Manager may grant an exception if an environmental analysis, and coordination with the CDOW, indicate that the Proposed Action could be conditioned so as not to affect breeding behavior, nest attendance, egg/chick survival, or nesting success. An exception could also be granted if the proponent, the BLM, and the CDOW negotiate compensation that would satisfactorily offset the anticipated losses of nesting habitat or nesting activities.</p> <p>MODIFICATION -- The Field Manager may modify the size or dates of the TL area if an environmental analysis indicates that the Proposed Action could be conditioned so as not to affect nest attendance, egg/chick survival, or nesting success. Seasonal or daily timeframes may be modified if operations could be conditioned so as to not disrupt breeding behavior and bird distribution within suitable breeding habitat.</p> <p>WAIVER -- The Field Manager may grant a waiver if the BLM or the CDOW, in consultation with the USFWS, determines that the described lands are incapable of serving the long-term requirements of mountain plover nesting habitat.</p>
TL	CO-TL-16 Sandhill Crane Nesting, Roosting, Staging, and Migration Habitat	<p>STIPULATION -- No surface occupancy is allowed during the following time period:</p> <ul style="list-style-type: none"> March 1 to Oct. 16, in areas designated by Field Offices for sandhill crane production or migration habitat use <p>PURPOSE -- To prevent disruption of bird behavior during key seasonal habitat use periods.</p> <p>EXCEPTION -- An exception can be granted if an environmental analysis of the Proposed Action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of habitat for current or subsequent production or migratory activity or occupancy. The dates may also be modified if local data demonstrates the mapped habitat is used during a shorter</p>

Table B-10
BLM-Colorado TL Stipulations Applicable to
Oil and Gas Leasing

Type	Stipulation Number Protected Resource	Stipulation Description
		seasonal period (nesting habitat, May 1 to July 1). MODIFICATION -- The Field Manager may modify the stipulation dates or stipulation area if an environmental analysis indicates that a portion of the area is non-essential to nest or migration utility or function, or that the Proposed Action could be conditioned so as not to impair the utility of the habitat for current or subsequent seasonal activities or occupation. WAIVER -- A waiver may be granted if habitat conditions are permanently incapable of supporting production or migration activities.

Table B-11		
BLM-Colorado Lease Notices (LN) Applicable to Oil and Gas Leasing		
Type	Lease Notice Number Protected Resource	Description
	Wildlife	
LN	CO-LN-1 Migratory Bird Nesting Habitat	Avoid or minimize disruption of migratory bird nesting activity by siting or prioritizing vegetation clearing, facility construction, and concentrated operational activities (such as drilling, completion, utility installation) in order to avoid the involvement of higher value migratory bird habitats, especially during the core migratory bird nesting season (from May 15 to July 15).
	Special Status Species Plants and Wildlife	
LN	CO-LN-2 Endangered Species Act	The lease area may now, or hereafter, contain plants, animals, or their habitats determined to be federally Threatened, Endangered, or Proposed for listing. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective in order to avoid BLM-approved activity that would adversely affect listed species or their habitat. The BLM may require modifications to (or disapprove) proposed activity that is likely to result in jeopardy to the continued existence of a Proposed or Listed Threatened or Endangered Species, or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act (ESA) as amended (16 USC 1531 et seq.), including completion of any required procedure for conference or consultation.
LN	CO-LN-3 Special Status Species Plants and Wildlife	In areas of known or suspected habitat of Special Status Species (federally Listed, Proposed, Candidate, or BLM Sensitive), or significant plant communities, a biological inventory may be required prior to the approval of operations. The inventory will be used in environmental analysis (in accordance with the NEPA) and mitigating measures designed to reduce the impacts of surface disturbance on the affected species or their habitats may be required. Special design and construction measures designed to mitigate impacts, may include, but are not limited to, relocation of roads, well pads, pipelines, and other facilities; and fencing operations or habitat. The lessee/Operator may be required to submit to the BLM's Authorized Officer a plan for avoidance or mitigation of impacts on the identified species.
LN	CO-LN-4 Important Sage-grouse Habitat	Greater or Gunnison Sage-grouse Habitat: The lease may in part, or in total, contain important Greater or Gunnison Sage-grouse habitats, as identified by the BLM, either currently or prospectively. The Operator may be required to implement specific measures

Table B-11
BLM-Colorado Lease Notices (LN) Applicable to Oil and Gas Leasing

Type	Lease Notice Number Protected Resource	Description
		<p>through a COA in order to reduce impacts of oil and gas or geothermal operations on the Greater or Gunnison Sage-grouse populations and habitat quality. Sage-grouse habitat conservation measures may include timing restrictions, distances or percentages of allowable surface-disturbing activities, noise-suppression actions, and desired density levels or other development constraints consistent with State or Range-wide Sage-grouse Conservation Planning for Colorado (including subsequent updates), current peer reviewed sage-grouse research, or as developed in conjunction with the CDOW, in order to meet local population objectives.</p> <p>Such measures shall be developed during the Application for Permit to Drill (APD) on-site and environmental review process, or during the environmental review process for Sundry Notices and associated rights-of-way (ROWs), and will be consistent with lease rights granted.</p>
Cultural Resources		
LN	CO-LN-5 Cultural Resources	<p>The lessee is hereby notified that Class III Cultural Resource Inventory may be required prior to surface-disturbing activities. Mitigation measures may be required in order to reduce the impacts of surface disturbances on the affected cultural resources. These mitigating measures may include, but are not limited to, relocation of roads, well pads, and other facilities; evaluative testing; data recovery; and/or fencing. Mitigation measures may be required upon the discovery of any cultural resource. All cultural resource work must be performed by a BLM-permitted Archaeologist. The BLM may charge Federal licensees and permittees project costs of preservation activities conducted under the National Historic Preservation Act (NHPA) as a condition to the issuance of such license or permit [NHPA, as amended Section 110(g)].</p>
LN	CO-LN-6 Buried Cultural Resources	<p>The lessee is hereby notified that deep, subsurface survey may be required for subsurface-disturbing operations in areas that have a high potential for deeply buried cultural resources. All cultural resource work must be performed by a BLM-permitted Archaeologist. The BLM may charge Federal licensees and permittees project costs of preservation activities conducted under the National Historic Preservation Act (NHPA) as a condition to the issuance of such license or permit [NHPA, as amended Section 110(g)].</p> <p>The purpose of this stipulation is to protect significant scientific information in cultural resource sites that may be damaged from inadvertent, unauthorized, or authorized uses.</p>

Table B-11 BLM-Colorado Lease Notices (LN) Applicable to Oil and Gas Leasing		
Type	Lease Notice Number Protected Resource	Description
Paleontology		
LN	CO-LN-7 Paleontological (Fossil) Resources	The lessee is hereby notified that prior to any surface-disturbing activities, an inventory of paleontological resources (fossils) may be required. Mitigation measures may be required upon the discovery of any vertebrate fossil or other scientifically-important paleontological resource. Mitigation of scientifically important paleontological resources may include avoidance, monitoring, collection, excavation, or sampling. Mitigation of discovered scientifically important paleontological resources might require the relocation of the disturbance over 100 meters. This, and any subsequent mitigation work, shall be conducted by a BLM-permitted Paleontologist. The lessee shall bear all costs for inventory and mitigation (WO IM-2009-011).

Table B-12 Kremmling Field Office Stipulations and Lease Notices Applicable to Oil and Gas Leasing		
	Wildlife	
NSO	K-NSO-1 Core Wildlife Areas	<p>STIPULATION -- Prohibit surface occupancy or use on core wildlife areas. (Core wildlife areas are areas of high habitat value for multiple species, including sage-grouse, elk, and mule deer.) This stipulation applies to the following:</p> <p>PURPOSE -- To help reduce fragmentation of core wildlife areas.</p> <p>EXCEPTION -- Standard exceptions apply. In addition, habitat and range improvements would be allowed.</p> <p>MODIFICATION -- Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply.</p>
	Coal	
NSO	K-NSO-2 Federally Leased Coal Lands	<p>STIPULATION -- Prohibit surface occupancy or use on leases within the area of federally leased coal lands where oil and gas development would likely be incompatible with coal extraction.</p> <p>PURPOSE -- To protect coal resources.</p> <p>EXCEPTION -- Standard exceptions apply. No additional specific exception criteria apply.</p> <p>MODIFICATION - Standard modifications apply.</p> <p>WAIVER -- Standard waivers apply. In addition, this stipulation may be waived without an RMP Amendment if the lessee agrees that the drilling of a well will be subject to the following conditions: 1)(a) well must be plugged when the mine approaches within 500 feet of the well and re-entered or re-drilled upon completion of the mining operation; (b) well must be plugged in accordance with Mine Safety and Health Administration (formerly Mine Enforcement and Safety administration) Informational Report 1052; (c) Operator will provide accurate location of where the casing intercepts the coal by providing a directional and deviation survey of the well to the coal operator; or 2) the Operator will relocate the well into a permanent pillar or outside the area to be mined. A suspension of operations and production will be considered for the oil and gas lease only when a well is drilled and later plugged, and a new well or re-entry is planned when the mine moves through the location.</p>
	National Trails	
NSO	K-NSO-3 National Trail Corridors	<p>STIPULATION -- Prohibit surface occupancy or use in National Trail alignments, and in viewshed corridors up to 5 miles in width, where trail resources and associated settings are present.</p> <p>PURPOSE -- To conserve, protect, and restore National Scenic and Historic Trail resources, qualities, and values within National Trail management corridors. The BLM shall promote preservation, public access, travel opportunities, enjoyment, and appreciation of National Scenic and Historic Trails for present and future generations as units of the National Landscape Conservation System (NLCS). Activities within National Trail management corridors will be conducted according to the National Trails System Act, national and State BLM policies and budget, and Comprehensive Management Plans and Statewide Trail Management Plans.</p> <p>EXCEPTION -- Standard exceptions apply. In addition, essential future actions in which implementation of a professionally engineered design, construction, maintenance, and reclamation plan can mitigate to the fullest extent practicable all potential resource damage and impacts to the</p>

		setting associated with the Proposed Action. MODIFICATION -- Standard modifications apply. WAIVER -- Standard waivers apply.
Watchable Wildlife Areas		
NSO	K-NSO-4 Watchable Wildlife Areas	STIPULATION - Prohibit surface occupancy or use on designated WWAs. PURPOSE -- To protect high value wildlife habitat and recreational values associated with designated WWAs. EXCEPTION -- An exception may be granted, or substituted with a TL, by the Field Manager if an environmental analysis determines that the action, as proposed or conditioned, would not impair the values of the WWA. MODIFICATION -- A modification may be granted by the Field Manager if an environmental analysis finds that a portion of the area is non-essential to site utility or function; or that the Proposed Action could be conditioned so as not to impair the current, or future, values of the site. The stipulation may also be modified if the proponent, and, where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to the WWAs. WAIVER -- This stipulation may be waived by the Authorized Officer if the area is no longer designated as a WWA.
Recreation and Visitor Services		
CSU	K-CSU-1 ERMAs and other lands outside of SRMAs	STIPULATION -- Surface occupancy is restricted at sites within specific ERMAs, and at sites on other lands outside of SRMAs, where assets have been developed in order to promote and enhance recreational activities and opportunities, and to protect the area resources. PURPOSE -- To protect BLM recreation investments (such as trails, roads, signs, kiosks, fencing, and facilities that provide for public health and safety) within specific ERMAs, and at sites outside of SRMAs. EXCEPTION -- An exception to this stipulation may be granted by the Authorized Officer if an ERMA designation is revoked in subsequent RMP Amendments or revisions, or where COAs or design features applied during permitting provide sufficient protection of recreation investments in ERMAs and in other lands outside of SRMAs. MODIFICATION -- None. WAIVER -- None.
Coal		
CSU	K-CSU-2 Federally Leased Coal Lands	STIPULATION -- Operations proposed within the area of an approved surface or underground coal mine will be relocated outside the area to be mined or to accommodate room-and-pillar mining operations. PURPOSE -- To protect surface or underground coal mines EXCEPTION -- None. MODIFICATION -- None. WAIVER -- This stipulation may be waived without an RMP Amendment if the lessee agrees that the drilling of a well will be subject to the following conditions: 1)(a) well must be plugged when the mine approaches within 500 feet of the well, and re-entered or redrilled upon completion of the mining operation; (b) well must be plugged in accordance with Mine Safety and Health Administration (formerly Mine Enforcement and Safety Administration) Informational Report 1052; (c) Operator will provide accurate location of where the casing intercepts the coal by providing a directional and deviation survey of the well to the coal operator; or 2) relocate well into a permanent pillar or outside the area to be mined. A suspension of operations and production will be considered

		when the well is plugged, and a new well is to be drilled after mining operations move through the location. Any changes to this stipulation will be made in accordance with the Approved RMP and/or the regulatory provisions for such changes.
	Wildlife	
LN	K-LN-1 High Value Wildlife Habitat	The lease may in part, or in total, contain high-value wildlife habitat. These areas include, but are not limited to, habitat for Special Status Species, big game severe winter range, big game migration corridors, and priority moose habitat. The Operator may be required to implement specific measures through a COA in order to reduce impacts of oil and gas or geothermal operations on wildlife and wildlife habitat. Special design and construction measures designed to mitigate impacts, may include, but are not limited to, relocation of roads, well pads, pipelines, and other facilities; and fencing operations or habitat. The lessee/Operator may be required to submit a plan for avoidance or mitigation of impacts on the identified species to the Authorized Officer.